



**Council - Corporate Priorities Committee Meeting
Agenda**

Tuesday, March 19, 2019

6:00 p.m.

Council Chambers

Pages

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **DISCLOSURE OF INTEREST**
4. **PUBLIC QUESTION PERIOD**
5. **OLD BUSINESS**
 - 5.1 **McSweeney and Associates - Economic Development Strategy** 2 - 70
 - 5.2 **Fischer Strom Water Pond - Environmental Approvals** 71 - 80
 - 5.3 **Downtown Commercial Area Parking** 81 - 196
 - 5.4 **Policy Development for Financial Allocations in Respect of Community Service Grants** 197 - 215
6. **NEW BUSINESS**
 - 6.1 **Bylaw No. 014-AN-97 - Bylaw For Penalties on Unpaid Taxes** 216 - 220
 - 6.2 **Addresses for Annexed Properties** 221 - 223
 - 6.3 **Business Licensing Concerns** 224 - 244
 - 6.4 **Amendments to the Local Authorities Election Act** 245 - 419
 - 6.5 **Minister of Environment and Climate Change - Response** 420 - 427
 - 6.6 **Coalition of Canadian Municipalities for Energy Action** 428 - 430
7. **QUESTIONS**
8. **IN CAMERA**
 - 8.1 **Legal - 4 Wing Cold Lake Golf and Winter Club**
9. **ADJOURNMENT**



STAFF REPORT

Title: McSweeney and Associates - Economic Development Strategy

Meeting Date: February 19, 2019

Executive Summary:

After a successful application to the 2017 intake of the Community and Regional Economic Support (CARES) Program, the City of Cold Lake retained McSweeney and Associates to facilitate the creation of an Economic Development Strategy.

The grant application was spearheaded by Cold Lake's Economic Development Advisory Committee, which felt that development of a new strategic plan to guide economic development would assist with the committee's mandate. The committee felt that the previous document, *Action Plan 2006/2007: An Economic Development Strategy for the City of Cold Lake*, was a benefit to its work, but that it had become outdated.

The attached draft strategy was created through:

- Document and statistical review conducted by McSweeney and associates.
- A stakeholder meeting.
- Online survey with over 400 responses.
- A public open house.
- One-on-one interviews with key stakeholders.
- Three focus groups with representatives from 4 Wing; the Oil and Gas Sector; and Tourism and Culture Operators.
- A working session with participants from the stakeholder meeting.
- A final survey sent to stakeholders.

Background:

On October 12, 2017, EDAC passed the following motion:

Moved by I. Myshaniuk that EDAC submit, to Council, the Community and Regional Economic Support (CARES) Program application for approval and request \$25,000.00 matching funds, half of the \$50,000.00 applied for, to hire a consultant to develop a Strategic Plan for Economic Development in the City of Cold Lake.

**CARRIED
UNANIMOUSLY**



EDAC had been looking at means of updating and/or building upon the City's previous economic development plan and felt that the opportunity to have the work done with the help of the CARES program was a timely opportunity. The previous economic development plan, *Action Plan 2006/2007: An Economic Development Strategy for the City of Cold Lake*, has been attached for council's reference.

A draft CARES application, outlining EDAC's rationale for the project and vision of what can be achieved through the project's successful completion, has been attached along with the minutes of the October 12 EDAC meeting.

The CARES program's mandate is to fund initiatives that create a measurable impact and align with one or more of the following program outcomes:

- improving local business environment and/or regional economic collaboration
- increasing support for entrepreneurs and small and medium-sized enterprises (SMEs) to grow and succeed
- enhancing support for businesses and industries that provide diversification to a community or a region
- increasing investment that drives high-value job creation

Alternatives:

- The committee may request for changes to the Economic Development Strategy
- The committee may recommend that council accept the Economic Development Strategy as presented.

Recommended Action:

Administration recommends that the committee passes a motion

Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer



City of
Cold Lake

January 2019



Economic Development Strategy

for the City of Cold Lake



McSWEENEY
inspiring economic sustainability®



Economic Development Strategy

for the City of Cold Lake

Prepared: January 2019



McSweeney & Associates

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1. INTRODUCTION

1.1. Purpose/Call to Action

Located on the shore of Alberta's seventh largest lake, a three-hour drive northeast of Edmonton and 20 minutes west of the Saskatchewan border, the City of Cold Lake (Cold Lake) is home to over 15,000 residents.

Cold Lake offers a great quality of life, with the City and the surrounding area having beautiful natural settings, state-of-the-art recreation and sport facilities, a multi-purpose Family and Community Support Services (FCSS) facility, urban and rural trail systems, and a provincial park next door with pristine lakes. Cold Lake itself is well known for its world-class sport fishery, pristine water and surrounding habitats which draw hundreds of bird species and an abundance of wildlife to its shores. One of the City's challenges is lack of awareness of its quality of life and a perception that it is isolated and 'at the end of the road'.

The City is the regional centre for northeast Alberta, supplying retail and services to surrounding rural communities. Its main industries of employment include oil and gas, the Federal Government (military) and tourism. Cold Lake is part of Alberta Hub – the region's Regional Economic Development Alliance (REDA) that is currently working on several projects that could positively affect the City, including broadband and aerospace development. It is also home of one of the Province's Rural Alberta Business Centres (RABC)¹, that is a valuable business/entrepreneur support resource for the City and region.

The City of Cold Lake and its Cold Lake Economic Development Advisory Committee (EDAC) have seen a number of successes in the past decade, guided in large part by the City's Action Plan 2006/2007: An Economic Development Strategy for the City of Cold Lake. The downturn in Alberta's economy over the past 3 years has necessitated that every municipality consider implementing an economic development program, that the boom economy never required. Over the past few years, the impetus to diversify the local economy has also gained momentum as businesses throughout Alberta look to respond to the pressures of a changing economy. Effective economic development is both planned and resourced – and the City of Cold Lake and its Economic Development Advisory Committee (EDAC) have responded by taking the first step towards economic sustainability by commissioning an Economic Development Strategy.

Like many Alberta communities, economic prosperity has, until recently, come easily and economic development has been more a function of growth management. However, communities are now having to take a more proactive and competitive approach to economic development – and Cold Lake is no exception.

¹ There is some uncertainty around the Province's future funding of their four RABC's. In the event that Cold Lake's RABC is shut down, there will be a void in entrepreneur support that has become especially important since the recession began as many former employees who want to stay in Cold Lake are now starting their own enterprises.

A new Economic Development Strategy will provide the City with a roadmap to create the economic future that the community aspires to. It also guides City's efforts in meeting new challenges in Alberta's transforming economy so it will not miss out on emerging opportunities. The City and its EDAC recognise that facilitating an environment that assists existing businesses expand/diversify and/or reposition themselves in a changing economy, and that attracting new businesses are vital to Cold Lake's future vitality. Recognising that 75-85% of all job growth typically will come from its existing employers, the City is committed to understanding its business base (and gaps), the challenges and opportunities businesses face and how the City can facilitate business retention, growth and investment.

The Strategy accomplished the following project goals:

1. Identify and align the current priorities of Cold Lake's economic development partners.
2. Create a united vision and direction for economic development.
3. Identify and prioritize new economic development tactics and best practices.
4. Define clear actions, projects and desired outcomes.

The strategy also provides direction on best practices for retention and attraction of employers and jobs, residential magnetism, and increased economic investment to the City. It also focuses on producing continuous momentum by defining clear, achievable/realistic actions and desired outcomes.

Very importantly, at the basis of the Strategy is the economic vision for the City. This vision provides the compass for all decisions that affect economic development, including infrastructure spending, staffing and incentive offers. In fact, almost all budget decisions made by Council will somehow affect economic development, either positively or negatively. Extensive consultation process gained the input of over 550 people that were either businesses, residents (including high school students) and stakeholders. One of the questions was around aspirations for the City of Cold Lake. This feedback was used in developing what the essence of what is the desired state of Cold Lake's economy in the future.

Economic Vision

The City of Cold Lake boasts a vibrant, entrepreneurial and diversified economy, offering opportunities for its residents and newcomers alike. It is widely recognised as an important location for companies in the aerospace (both civilian and military), oil and gas or regional healthcare industries.

Its high quality of life with its educational, sports and cultural assets make it a magnet for its highly skilled workforce and for the hundreds of thousands of visitors the City attracts each year.

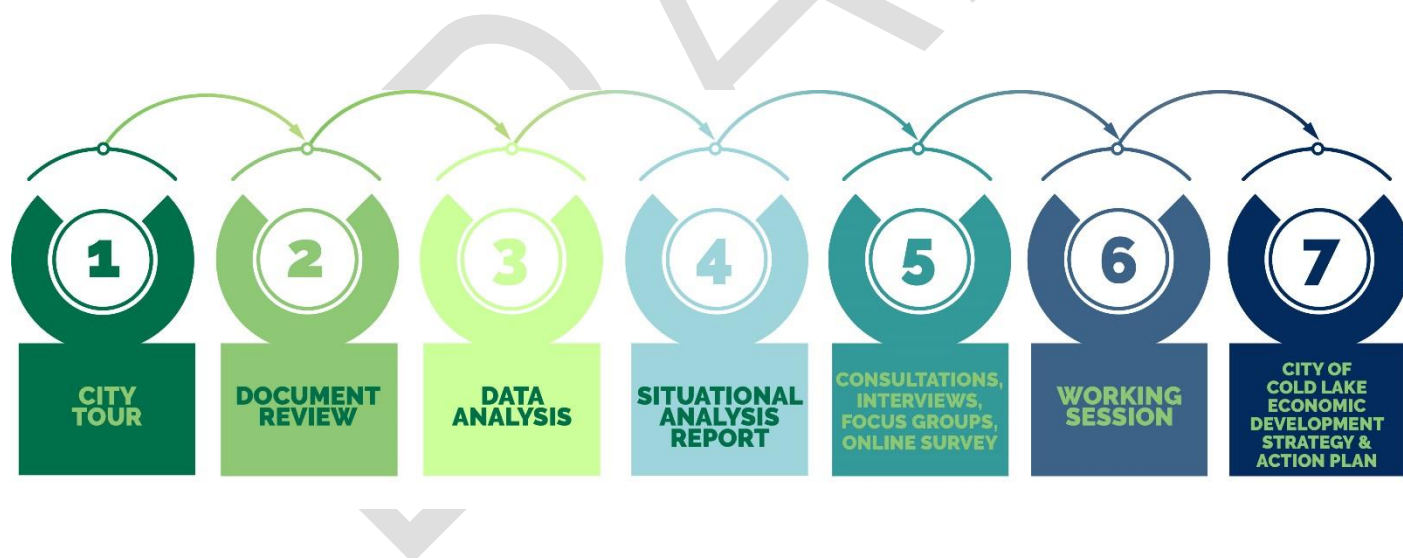


2. PROCESS FOLLOWED

The process followed to create the 2018 City of Cold Lake Economic Development Strategy was comprised of a document review, statistical analysis and community consultation.

The study began with a familiarization tour of the City and a municipal document review, followed by a statistical analysis of the City's economy and demographics that yielded a current situational analysis report, after which a thorough consultation process was followed that included:

- A session with Council, the City's Economic Development Committee and stakeholders;
- An open-house community consultation at the Lakeland Inn;
- A series of one-on-one interviews with businesses and economic development stakeholders;
- Three focus group sessions with representatives from military contractors, tourism & culture and the oil and gas sector;
- A discussion with the City of Cold Lake Youth Council who then produced a short video and assisted with an on-line survey for high school students that yielded 37 responses;
- An online community survey that received 409 responses; and
- A working session with key stakeholders.



This process led to the creation of a detailed realistic and doable short, medium and long-term Strategy for the next five years, and accompanying Implementation Plan with an aim of:

- Identifying means of helping the existing business community retain employees while also identifying opportunities for existing businesses to expand and/or reposition themselves in a changing economy.
- Identifying challenges that businesses in the community may face and the means through which these may either be overcome or mitigated.
- Supporting retention, expansion and attraction of new investment into the region's business community to achieve long-term, sustainable employment growth numbers.
- Outlining best practice approaches to tourism development and regional marketing, including identifying and engaging regional tourism partners.
- Assessing and recommending any missing ingredients (i.e. policy/procedures/etc.) needed to successfully retain and attract investment within key sectors.
- Providing a framework for the Cold Lake Economic Development Advisory Committee to continue in its mandate of advising the Cold Lake City Council on economic development initiatives and opportunities for business stimulus programs within the City of Cold Lake.

The Economic Development Strategy is based on a comprehensive understanding of the City, its economy, businesses and stakeholders, as well as their collective aspirations.



**TOP
10**

3. CITY OF COLD LAKE'S TOP 10 PRIORITY ACTIONS & TIMELINES

Experience indicates that presenting a small number of key strategic actions for communities to focus on is far more effective than a long laundry list of items that seems impossible to implement. While the remainder of this report and the implementation plan will elaborate on these priorities, below are the **Top 10 Priority Actions**, focused on providing initiatives which are necessary to be carried out first and are the foundational actions required to realise the City of Cold Lake's Economic Vision. These initiatives are aimed at strengthening both the community and economy.

ACTION	SUGGESTED TIMING	LEAD / SUPPORT
1. Assemble 'Team Cold Lake' with senior staff, a Councillor with the economic development portfolio and key external stakeholders that meet monthly to ensure the Strategy and its workplan are being implemented, address any challenges or opportunities that may arise, and adjust the workplan when necessary.	Immediate	CAO Strategic Initiatives
2. Assess the water, waste water, electrical, gas and broadband capacity of the City to ensure that these utilities support and encourage progressive and growing businesses, investment and residential growth. Proactively budget infrastructure spending to facilitate growth and the servicing of annexation lands.	Short-term	CAO Council Planning Infrastructure staff Utility firms serving City of Cold Lake
3. Assess development land to determine what is required to create a "shovel ready" supply and approaches for working with investors and developers to achieve the outcomes the City wishes to see. Developers can assist in setting targets for a readily marketable supply of employment lands.	Immediate	Planning Local developers
4. Engage residents and businesses to create a Community Vision for the City of Cold Lake. The objective is to provide a shared view of the future that engages the original component communities that make up the City of Cold Lake and will assist in the shaping of future growth that incorporates the additional new land being added to the City.	Immediate	CAO Strategic Initiatives Planning
5. Develop a way-finding program that builds upon community branded signage to build community identity and to support tourism and the cultural assets of the City. Use the same visual identity on all community communications and marketing pieces.	Immediate	CAO Communications

ACTION	SUGGESTED TIMING	LEAD / SUPPORT
6. Develop a transportation strategy that improves access and safety for businesses and residents. This includes the establishment and promotion of the City's new airport, improvement of highways 28 and 55 in partnership with neighbouring municipalities and the Province - considering ways to decrease the perception that Cold Lake is 'the end of the road' ²	Immediate – Long-Term	Strategic Projects Communications
7. Design and deliver a Business Retention and Expansion (BR+E) Program to initiate and maintain a proactive engagement with businesses and establish ongoing relationships to stay abreast of issues facing businesses. This will support efforts to retain existing businesses as well as plan for both internal growth and attraction of key suppliers required by local businesses.	Immediate	Strategic Initiatives
8. Complete a workforce retention and attraction strategy and action plan that responds to the needs of employers and potential investors. A key focus should be on creating an exciting hub of knowledge economy jobs in aerospace and energy production.	Immediate	Strategic Initiatives
9. Develop tourism. Work closely with existing organizations to promote tourism for the City, including Travel Alberta, the Municipal District of Bonnyville and private operators. Encourage collaboration and regular communication to avoid timing conflicts and to enable joint marketing. Create an asset inventory of attractions, cultural assets and supporting infrastructure and identify gaps. The gaps may include new tourism products and packages – more reasons for tourists to stop and spend time and money in the City of Cold Lake. Monitor visitors through the Chamber and private partnerships.	Immediate – Short-term	Strategic Initiatives Chamber of Commerce
10. Take a "Centre of Excellence" approach to developing the Aerospace sector. Take advantage of anticipated construction and Future Fighter developments that will drive workforce demand and potential new businesses. Build on Art Smith Academy and extend to high school and into college. Leverage College resources as well as other sources of training, skill development and advanced learning.	Short-term	Strategic Initiatives Portage College CAO Council Chamber

Immediate = 2019-2020 | Short term = before the end of 2021 | Long term = before the end of 2024

² Highway 55 connects with 63 and continues east down to Prince Albert and then through Winnipeg to the port at Thunder Bay

4. STAKEHOLDER CONSULTATIONS

4.1. Strategic Plan Update Consultation Process

Approximately 550 stakeholders were consulted throughout this process. The consultations consisted of confidential one-on-one interviews, an open house as well as an online survey open to the public, three focus groups with key sectors and a working session with targeted stakeholders.

4.1.1. Interviews & Community On-Line Surveys

One-on-one interviews were undertaken with City businesses and other economic development stakeholders such as senior staff, the Chamber, the RABC, CFB Cold Lake, Cold Lake First Nation, Alberta Hub and several others. The same seven open-ended questions were used to guide both those interviews and the on-line surveys (for both general public and high school students). These questions probed into the major strengths and challenges of doing business in the City and looked forward to defining future opportunities, aspirations and results. All participants provided feedback on these questions, providing a statistically significant result.

4.1.2. Focus Groups and Open House

Focus Groups were held with company representatives from three key sectors: Aerospace, oil & gas and tourism/culture. In addition, a general community open house was held at the Lakeside Inn where community members answered the same seven questions.

4.1.3. Working Session

The Working Session was held November 6, 2018 and was attended by approximately 25 key community stakeholders which included representation from Council, the business community, regional and Provincial support agencies, the Canadian Forces Base, the City of Cold Lake Chamber of Commerce, City of Cold Lake staff, the Reeve of the MD of Bonnyville, and the Cold Lake First Nations Economic Development Officer and Chief Executive Officer.

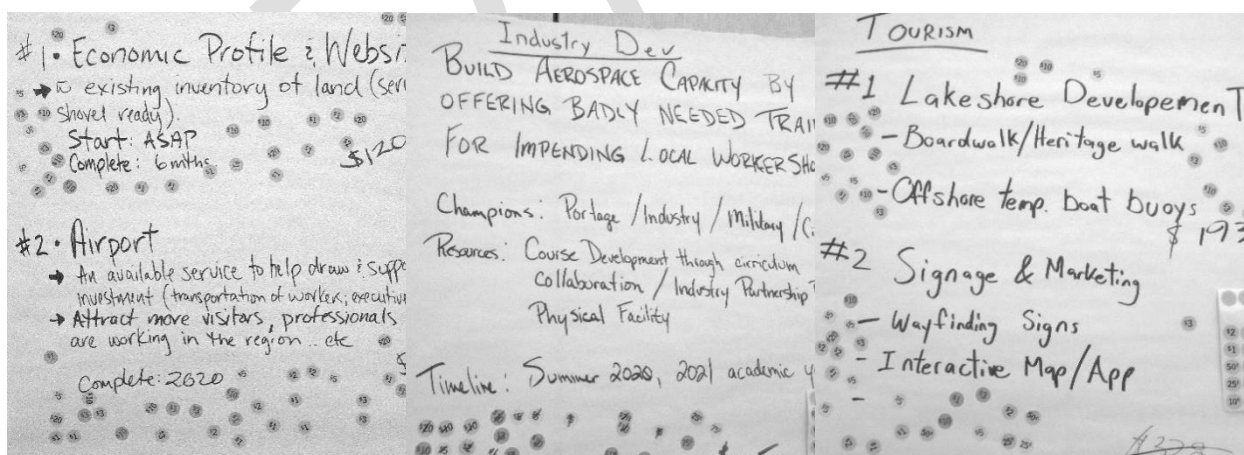


The purpose of the Summit was to bring together economic development, community and business leaders to review the project findings to date, to get confirmation on the themes that were derived from the research, and to begin strategizing and crafting action items for each of those themes that emerged from the consultation process. The themes that were brought forward to the presentation and were validated were:

			
Investment Readiness	Community Development	Industry Development	Tourism

Working groups identified projects (and actions?) that would address the challenges and opportunities under each theme. They then presented their work to the entire group in a "Dragon's Den"-type format. Everyone then voted with their 'money' to prioritise the various projects/actions that varied from marina improvements to training for military ground crew!

See Appendix A for detailed project descriptions. The advantage of considering these projects is that some already have identified champions and buy-in from those who attended the Working Session.



Informal Investment Readiness Review

McSweeney & Associates undertook an informal investment readiness assessment by reviewing the adequacy of the City of Cold Lake's tools and indicators including:

- Web Presence – Economic Development Site.
- Economic/Community Profile.
- Industrial and Commercial Land and Building Inventories.
- Investment Marketing Tools.
- Adequacy and Readiness of Employment Lands.
- How Investment Inquiries/Requests are Handled.

It was determined that the City of Cold Lake is missing key elements that should be undertaken in order to prepare the City for investment.

Web Presence: The City requires a comprehensive economic development section with all the essential information required by a site selector/investor (regional and local maps, community profile, workforce). Ideally, it should be a separate site as it has a different audience/target than the City site, but if a section of the City site, there should be link from the homepage. There should also be links to the economic development strategy and pertinent reports.

Economic/Community Profile: There is currently no economic/community profile available.

Industrial and Commercial Land and Building Inventories: Requires an inventory of available land and buildings and all property including information on servicing, zoning, maps, etc.

Investment Marketing Tools: There are currently no marketing tools available, even for key sectors.

Adequacy and Readiness of Employment Lands: Currently there is an inadequate supply of ready to be serviced employment land and very little shovel-ready industrial land. Some vacant commercial sites are available in the City..

How Investment Inquiries/Requests are Handled: To date the inquiries are dealt with by the CAO, Mayor or planner on an ad hoc basis. There is no central contact or investment enquiry handling/tracking program.



5. STATISTICAL ANALYSIS

5.1. Data Sources

Please note that every effort has been made to use the most current data available. There are four major sources of information for the remainder of this document:

- The 2011 and 2016 Census from Statistics Canada;
- SuperDemographics 2018 from Manifold Data Mining Inc.;
- EMSI Analyst 2018; and
- Canadian Business Patterns (CBP) – June 2017 and June 2012.

Canadian Business Patterns

The major sources of information for the Business Registry are updates from the Statistics Canada survey program and from Canada Revenue Agency's (CRA) Business Number account files. This CRA administrative data source allows for the creation of a universe of all business entities.

Manifold Projection Method

Production of 2018 Demographic data estimates are partially based on population statistics collected by Statistics Canada via Census every 5 years. Manifold estimates demographic data annually, including population projections for 5 and 10 years in the future. Manifold methodologies are based on the following techniques:

- Enhanced cohort survival methods;
- Nearest neighborhood and regression techniques; and
- Structural coherence techniques.

Manifold Data Sources include:

Statistics Canada	Real Estate Boards/Companies
Health Canada	Canadian Bankers Association
Regional Health Ministries	Bank of Canada
Citizenship and Immigration Canada	Canada Post Corporation
Regional School Boards	Consumer and business directories books
Flyer Distribution Association	Publications of hospitals, CMHC, BBM and partners
Proprietary survey and research	

EMSI Analyst

EMSI data brings the various snapshots of the Canadian economy together in a single picture. First, it aligns the geographies of the data from 2001 to the present, which means the Cold Lake of 2001 is the same as the Cold Lake of 2018. This results in geographically detailed data (down to the Census Subdivision level) that is applicable to today's economy.

The data is remarkably detailed, giving you information on 305 industry classifications using the NAICS system and 522 occupations from Statistics Canada's NOCs classification system in over 4,300 integrated geographical areas. The data is updated twice a year, so users have the most current information possible. And to top it all off, it adds 10-year projections based on the CBR data so that it provides a sense of the future alongside the past and present.

EMSI Data Sources include:

Canadian Business Registry (CBR)

2001, 2006, and 2011 Census data

Survey of Employment, Payroll and Hours (SEPH)

Labour Force Surveys (LFS)

Canadian Occupational Projection System (COPS)

CANSIM Demographics

Postsecondary Student Information System (PSIS) Education Data

5.2. Statistical Analysis



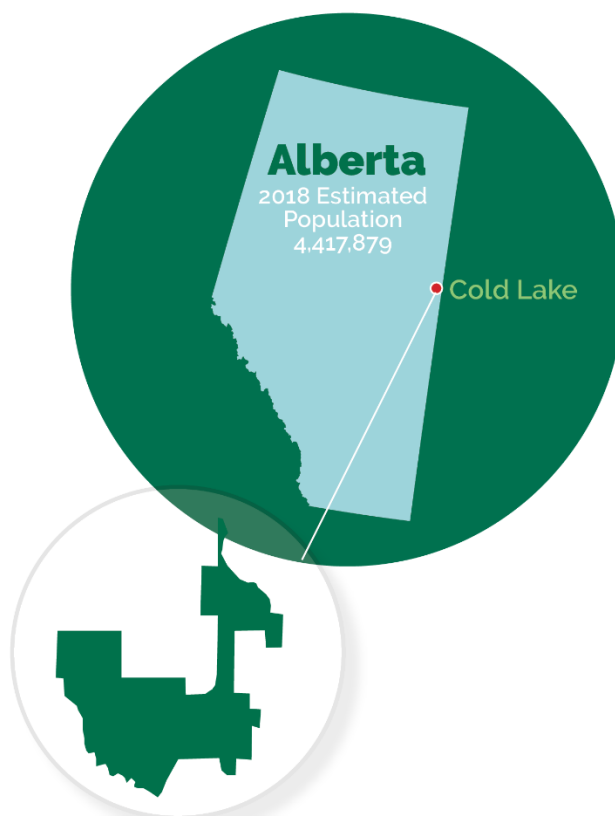
A Snapshot of COLD LAKE

Location

Nestled on the shore of Alberta's seventh largest lake, a three hour drive north east of Edmonton and 20 minutes west of the Saskatchewan border, Cold Lake is home to over 15,000 residents. The community of choice for many workers in the nearby oil patch, the City of Cold Lake is also the proud home of 4 Wing, one of Canada's busiest fighter bases.

The City and the surrounding area boast beautiful natural settings, complimented by state-of-the-art recreation and sport facilities, urban and rural trail systems, a provincial park and pristine lakes. Cold Lake itself is well known for its world-class sport fishery, pristine water and surrounding habitats which draw hundreds of bird species and an abundance of wildlife to its shores.

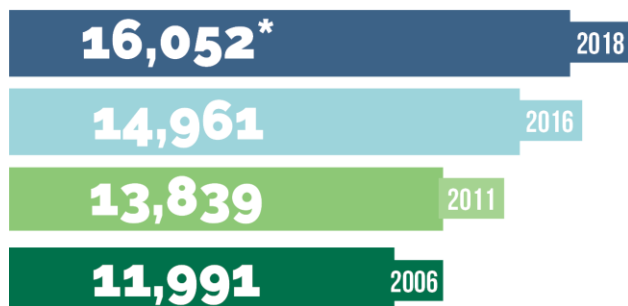
The City has grown to become the retail hub of north east Alberta, but has also kept its warm, rural roots. The main industries of employment include the oil and gas industry, the Federal Government, defense and tourism.



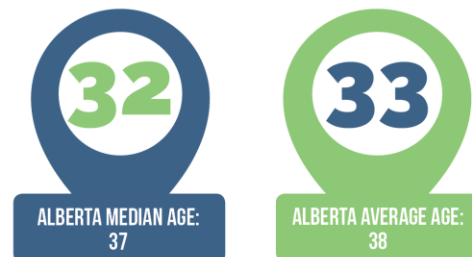
Demographics



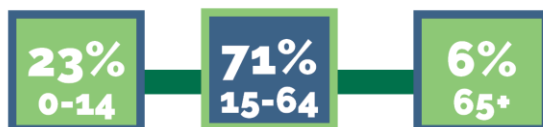
CENSUS POPULATION



MEDIAN & AVERAGE AGE



AGE PROFILE



POPULATION BY GENDER



18%

1 Year Mobility

Residents that had moved within the previous year



51%

5 Year Mobility

Residents that had moved within the previous 5 years

HIGHEST EDUCATION LEVEL

29%

Secondary

63%

Post-secondary



LANGUAGE

86%

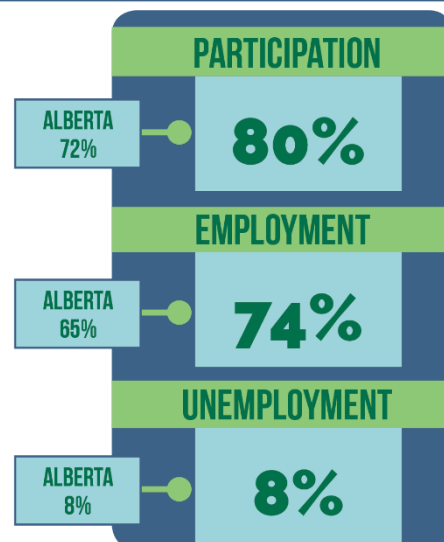
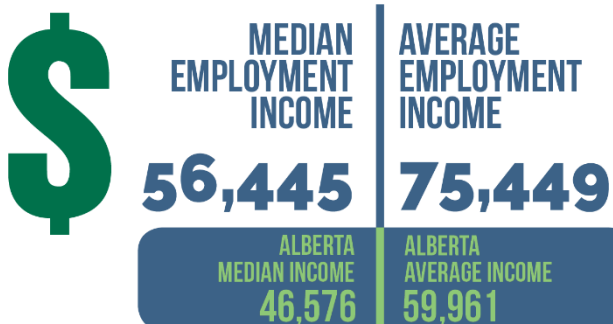
ENGLISH ONLY

14%
BILINGUAL

* All data is 2018 population estimates from Manifold SuperDemographics, unless otherwise specified.



Labour Force



RESIDENT LABOUR FORCE EMPLOYMENT

TOP 5 INDUSTRIES*



Public Administration
(23%)



Mining, Quarrying & Oil & Gas Extraction
(15%)



Retail Trade
(11%)



Construction
(8%)



Health Care & Social Assistance
(7%)

TOP 5 OCCUPATIONS*



Sales & Service
(21%)



Trades, Transport & Equipment Operators
(17%)



Education, Law & Social, Community & Govt Services
(16%)



Business, Finance & Administration
(10%)



Management
(10%)

* by labour force employment

*All data is 2018 population estimates from Manifold SuperDemographics, unless otherwise specified.

5.3. Statistical Overview



Population and Age Structure Profile

This subsection examines the characteristics of the population in the City of Cold Lake. Table 1 illustrates population changes in Cold Lake from 2001 to 2018 compared to Alberta. The census population grew by 25% over the past 2 census periods.

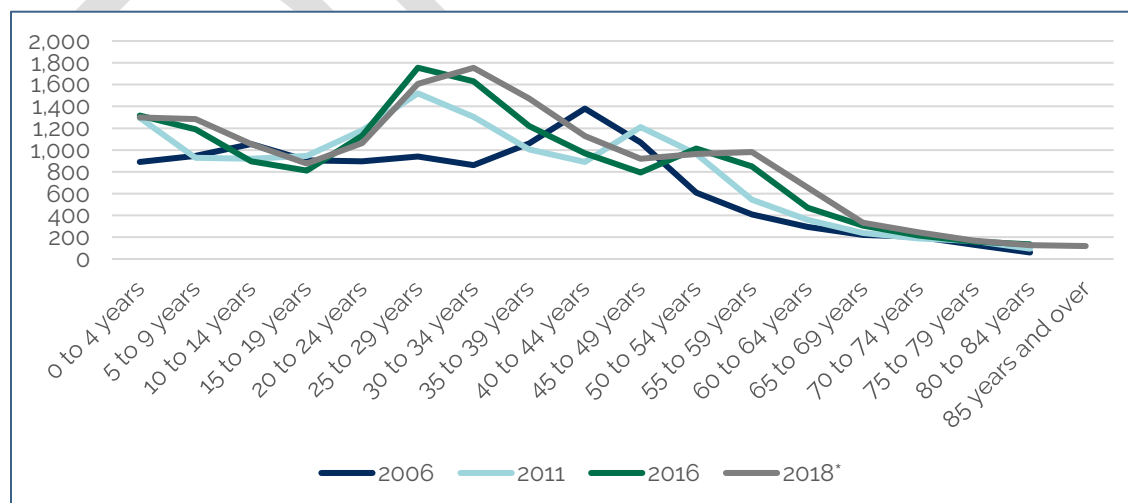
Table 1: Population Change, Cold Lake vs. Alberta, 1996-2018

	2001	2006	2011	2016	2018*
Cold Lake Population Count	11,520	11,991	13,839	14,961	16,052
Growth	-2.3%	4.1%	15.4%	8.1%	/
Alberta Population Count	2,974,807	3,290,350	3,645,257	4,067,175	4,417,879
% Change from Previous Census	10.3%	10.6%	10.8%	11.6%	/

Source: Statistics Canada Census data 1996, 2001, 2006, 2011 2016; Manifold SuperDemographics 2018. Manifold population estimates vs. Census data are not directly comparable.

Figure 1 shows age profile over the last 3 census periods, and 2018. The most significant growth is in the group of persons aged 15 to 44, the “working age population”. The population aged 50 to 69 years old has also shown notable growth, however, there has only been a marginal change in the “retirement age” population (65 and older).

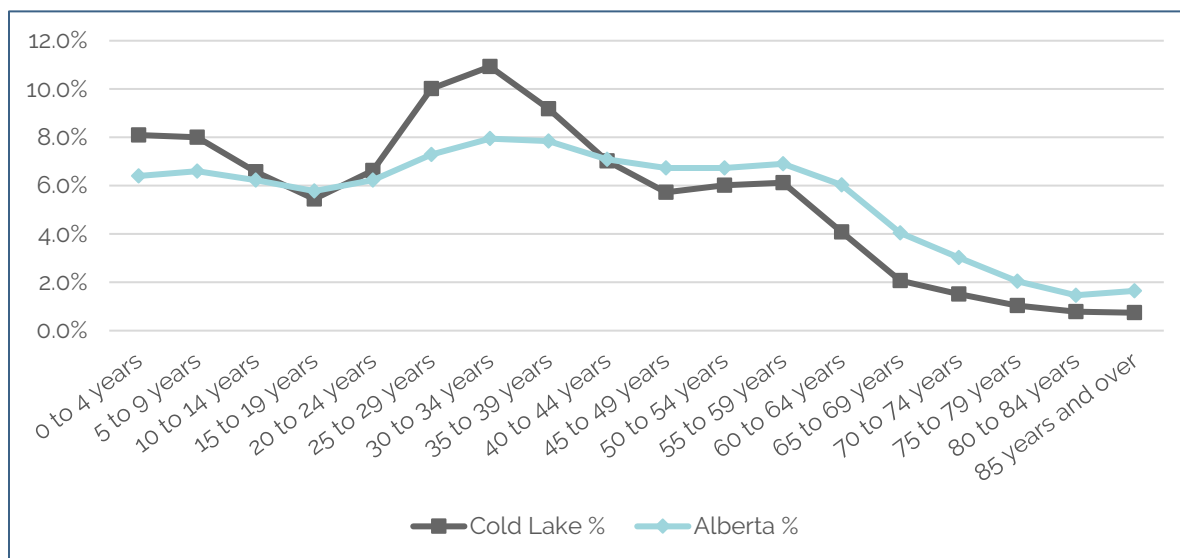
Figure 1: Percent Population by Age, Cold Lake, 2006-2016, 2018



Source: McSweeney & Associates from Statistics Canada Census data 2006, 2011 and 2016, and Manifold Data Mining Inc. SuperDemographics 2018

Figure 2 contrasts the age profile of residents in the City of Cold Lake and Alberta, in 2018.

Figure 2: Percent Population by Age, Cold Lake vs. Alberta, 2018



Source: McSweeney & Associates and Manifold Data Mining Inc. SuperDemographics 2018

Compared to the Province, the City of Cold Lake has a larger percentage of its population within the age range of 0 to 44, and less of its population in the age range of 50 years and older. Cold Lake has a younger population than the Province as measured by the median age (32 vs. 37 in Alberta), and average age (33, vs 38 in Alberta).

32
Median Age

37 in Alberta

33
Average Age

38 in Alberta



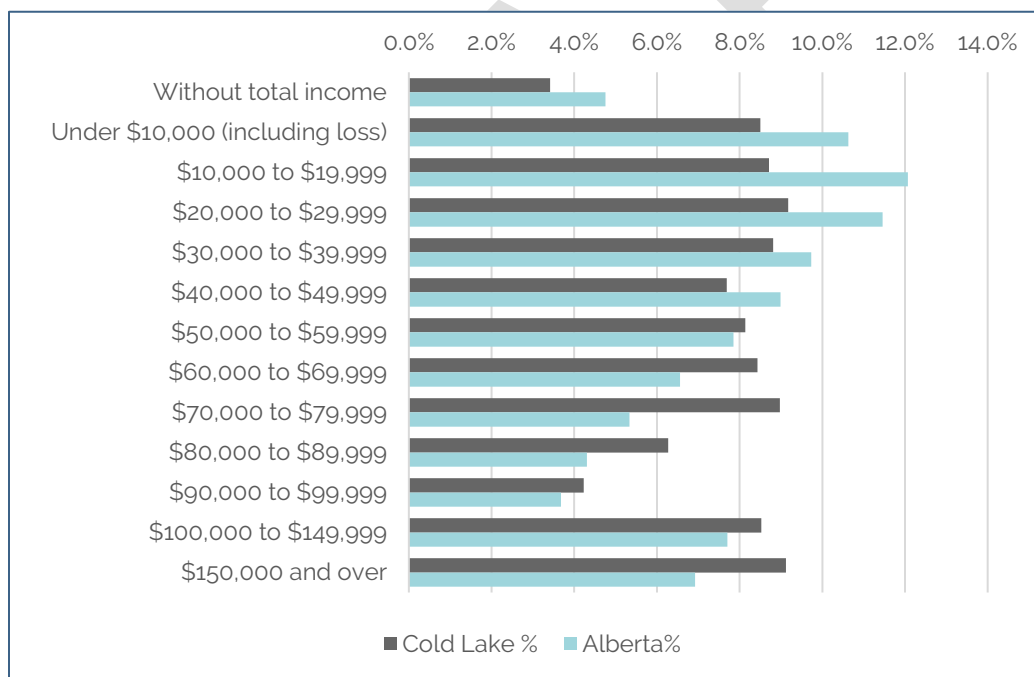
Income

This subsection describes the income earning capacity of the population of the City of Cold Lake. Using the information in Figure 3, the following observations can be made with respect to incomes³:

- The income distribution in Cold Lake is more equally distributed than in Alberta, with over 50% of the population earning above \$50,000.
- In 2018, the City of Cold Lake median individual total income was \$60,208, while in Alberta, the median individual income was \$47,572.
- The 2018 average individual income for the City of Cold Lake was \$78,593, versus \$62,758 for Alberta.

Figure 3 shows the distribution of total personal income for residents of Cold Lake.

Figure 3: Total Personal Income Levels by Percentage of the Population, 2018



Source: Manifold Data Mining Inc. 2018 (2017 incomes).

³ As noted previously, all income data uses the year previous; therefore 2018 data uses 2017 incomes.

\$60,208

City of Cold Lake
median individual total income

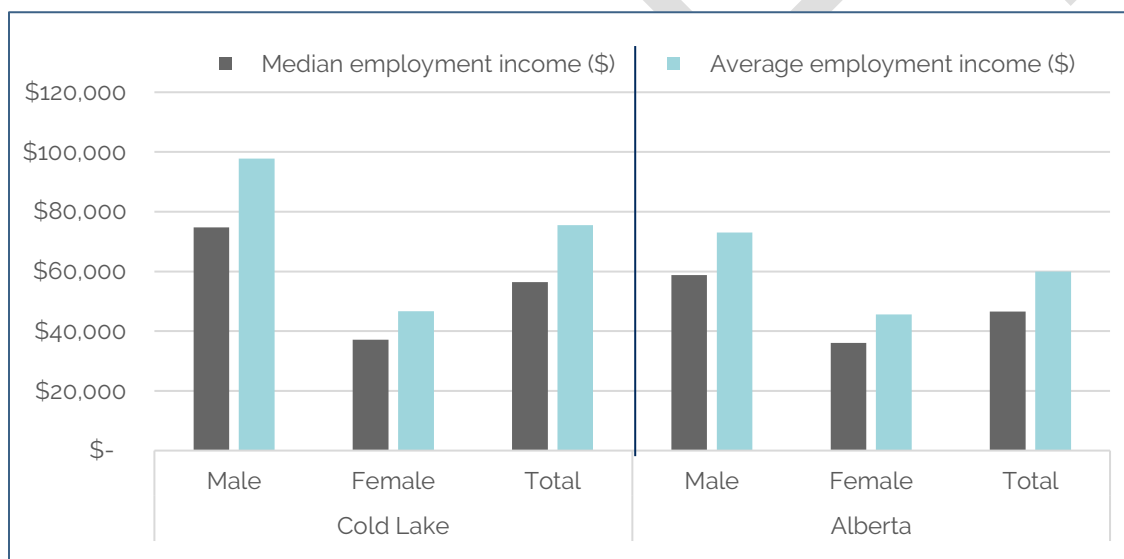
\$78,593

City of Cold Lake
average individual income

Figure 4 shows median and average employment incomes in Cold Lake and Alberta, by gender. The following can be said about employment incomes in the City of Cold Lake:

- City of Cold Lake residents have a median employment income 21% higher than that of the Province, and an average employment income 26% greater than the Province.
- City of Cold Lake males have a median employment income 100% higher than females, and an average employment income 110% higher than females.

Figure 4: Employment Income, Cold Lake vs. Alberta, 2018



McSweeney & Associates from Manifold Data Mining Inc. SuperDemographics .2018 (2017 incomes).

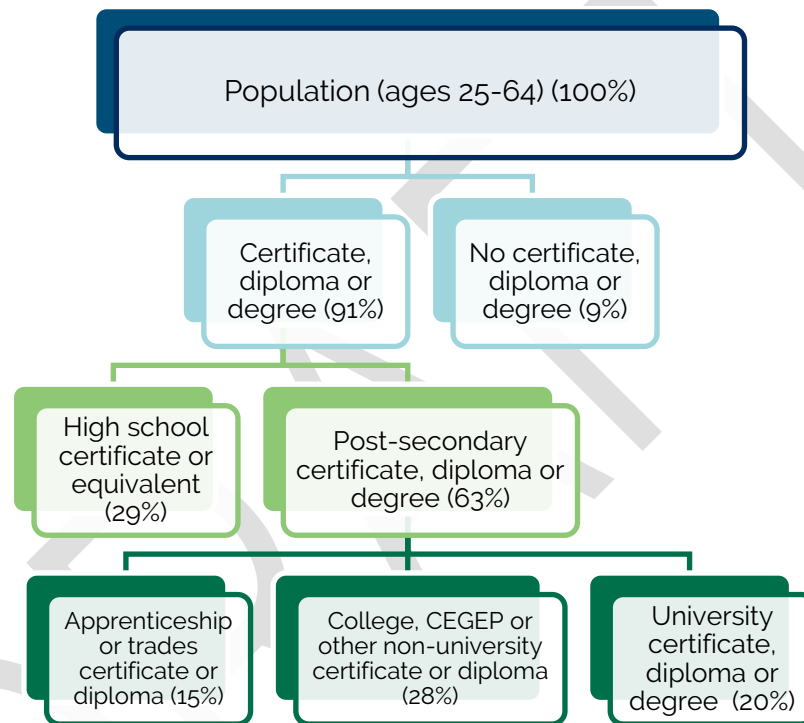
City of Cold Lake residents have a **median employment income 21% higher** than that of the Province, and an **average employment income 26% greater** than the Province.



Education

This subsection reviews the level of education and major fields of study for residents of City of Cold Lake. Figure 5 outlines the education levels obtained by City of Cold Lake residents ages 25-64, as compared to Alberta. Definitions may be found in the footnote.

Figure 5: Education Attainment Breakdown for Cold Lake, 2018⁴



Source: McSweeney & Associates from Manifold Data Mining Inc. SuperDemographics 2018

⁴ 'High school diploma or equivalent' includes persons who have graduated from a secondary school or equivalent. It excludes persons with a post-secondary certificate diploma or degree.

'Post-secondary certificate diploma or degree' includes 'apprenticeship or trades certificates or diplomas' 'college CEGEP or other non-university certificates or diplomas' and university certificates diplomas and degrees.

'Apprenticeship or trades certificate or diploma' includes Registered Apprenticeship certificates (including Comparisons with other data sources suggest that the category 'University certificate or diploma below the bachelor's level' was over-reported in the NHS. This category likely includes some responses that are actually college certificates or diplomas bachelor's degrees or other types of education (e.g. university transfer programs bachelor's programs completed in other countries incomplete bachelor's programs non-university professional designations). We recommend users interpret the results for the 'University certificate or diploma below the bachelor's level' category with caution.

'University certificate diploma or degree above bachelor level' includes the categories 'University certificate or diploma above bachelor level' 'Degree in medicine dentistry veterinary medicine or optometry' 'Master's degree' and 'Earned doctorate.'



Labour Force Profile

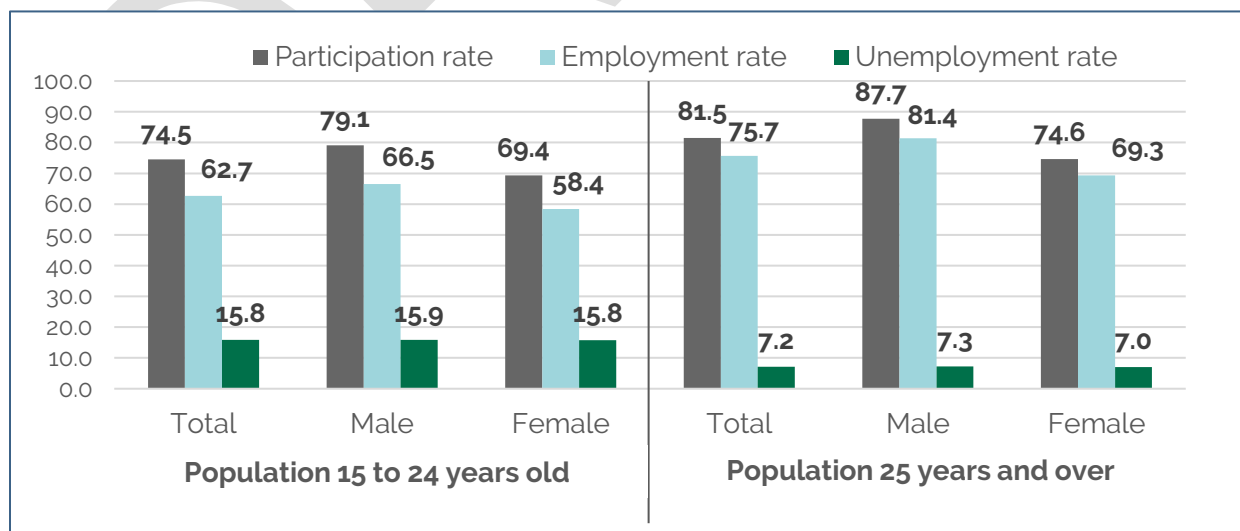
This section profiles the labour force that lives and works in City of Cold Lake. The first subsection has key employment indicators for the resident labour force, subsequent subsections describe the labour force available to city based on commuting flows. Overall, the City of Cold Lake has higher participation rates than the Province, as well as lower unemployment.

Key Indicators

Key indicators for the labour force are used to highlight the underemployed/under-utilized labour groups. For example, by examining labour force by gender and by age, one can quickly perceive that males under 25 years have the highest unemployment rate. Furthermore, women overall have a participation rate approximately 13 percentage points lower than men in Cold Lake. This indicates an opportunity to grow the labour supply by increasing women's participation.

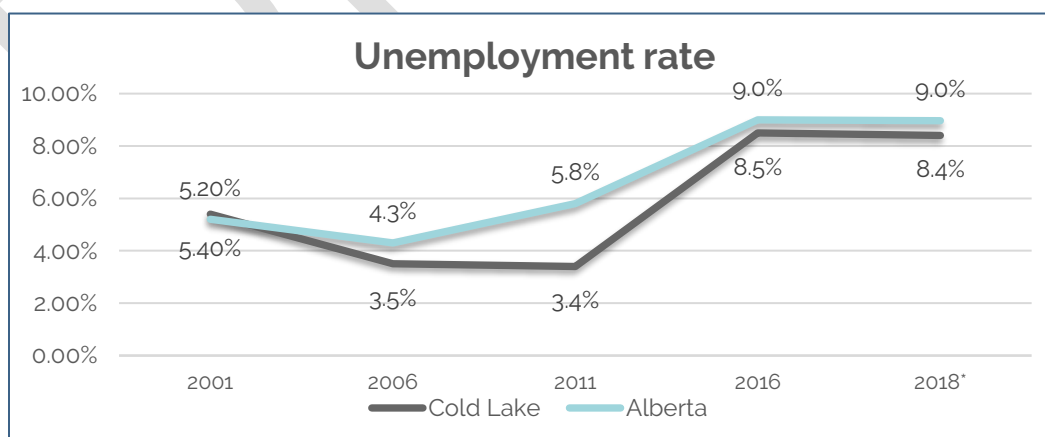
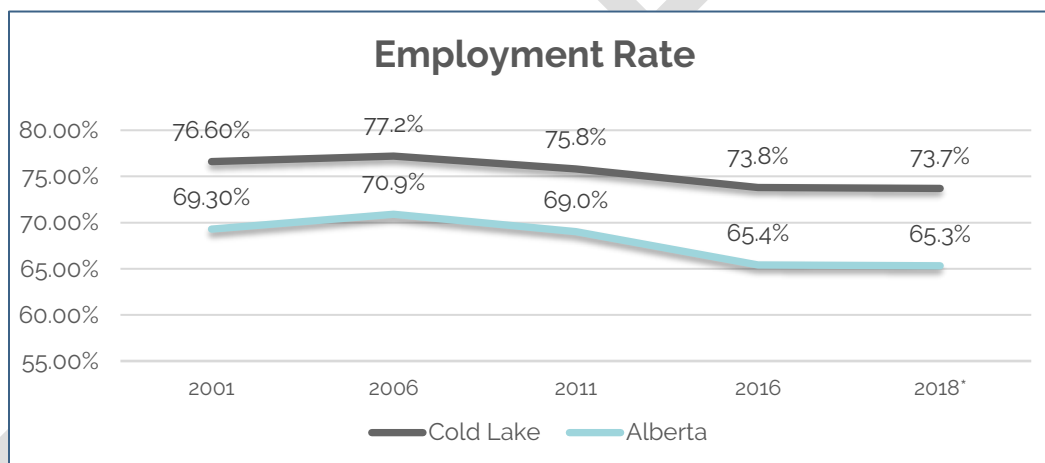
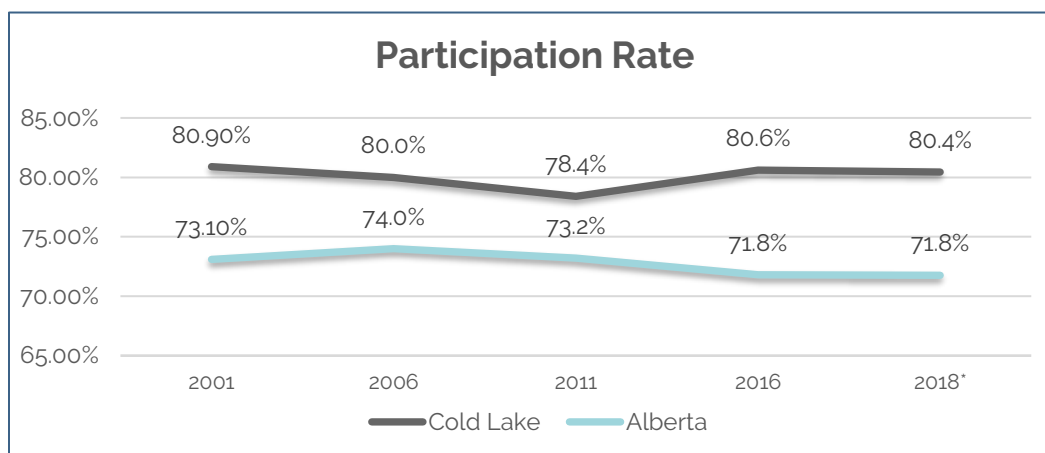
Labour Force Activity	Cold Lake	Alberta
Total population 15 years +	12,414	3,568,242
In the labour force	9,985	2,560,490
Employed	9,144	2,330,889
Unemployed:	841	229,600
Not in the labour force	2,429	1,007,752
Participation rate	80.44	71.76
Employment rate	73.66	65.32
Unemployment rate	8.42	8.97

Figure 6: Key Labour Force Statistics, 2018



Source: Manifold SuperDemographics 2018

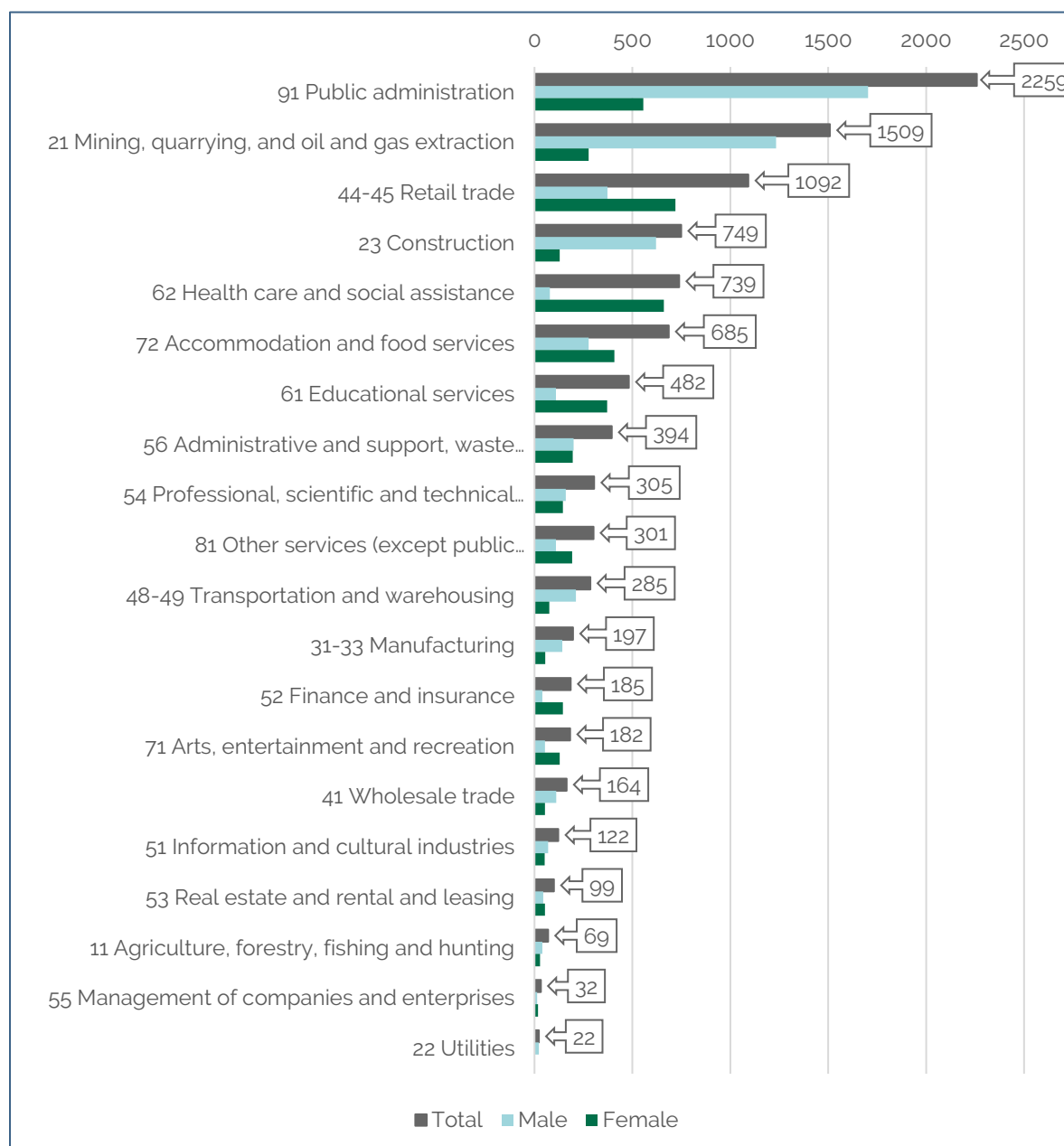
The following three tables illustrate labour force participation, employment and unemployment rates between 2001 to 2018. Participation has been on the rise since 2011, while employment has slightly decreased, which has resulted on a notable increased in unemployment between 2011 to now.



Source: McSweeney & Associates from Statistics Canada Census data 2006, 2011 and 2016, and Manifold Data Mining Inc. SuperDemographics 2018

The resident labour force of the City of Cold Lake most commonly works in the following industries: Public administration, mining, quarrying, and oil and gas extraction and retail trade. The largest employing industries employ more men more than women.

Figure 7: Resident Labour Force by Industry, 2018



Source: Manifold SuperDemographics 2018. Note that the numbers beside the bars represent the total number of City of Cold Lake residents working in the industry.



Labour Market Surplus/Gaps

The labour market surplus or gap is defined as the difference between the number of jobs (by industry) in the City and the number of resident workers in the City employed in that industry.

The City of Cold Lake has a surplus of approximately 829 jobs, which indicates there are more jobs than resident workers employed in that industry, making City of Cold Lake a net importer of labour. A labour market **gap** is apparent in some industries in which the number of resident workers employed in particular industries exceed the number of jobs available in those industries in Cold Lake. This may represent an opportunity for Cold Lake to attract those industries based upon the availability of labour force.

The industries with the largest gap (where workers out-number jobs are highlighted in red) are mining, quarrying, and oil and gas extraction; accommodation and food services; arts, entertainment and recreation, finance and insurance; and information and cultural industries.

Description	Employed in Cold Lake	Resident of Cold Lake	Net Import
Construction	1,567	749	818
Administrative and support, waste management and remediation services	758	394	364
Retail trade	1,359	1,092	267
Other services (except public administration)	433	301	132
Educational services	611	482	129
Health care and social assistance	831	739	92
Transportation and warehousing	351	285	66
Unclassified	162	114	48
Professional, scientific and technical services	333	305	28
Utilities	26	22	4
Real estate and rental and leasing	101	99	2
Manufacturing	192	197	(-5)
Public administration	2,253	2,259	(-6)
Wholesale trade	141	164	(-23)
Agriculture, forestry, fishing and hunting	41	69	(-28)
Management of companies and enterprises	0	32	(-32)
Information and cultural industries	62	122	(-60)
Finance and insurance	92	185	(-93)
Arts, entertainment and recreation	85	182	(-97)
Accommodation and food services	417	685	(-268)
Mining, quarrying, and oil and gas extraction	1,000	1,509	(-509)
Total	10,815	9,986	829

Source: EMSI Analyst 2018



Economic Base Analysis

The list of industries on the previous page gives an indication of industries which could be successful in the City given the labour force supply, and could be further developed, along side supporting industries.

The economic base analysis will reveal industries which are currently successful: large, growing, concentrated, projected to grow and with large export sales.

This section investigates industry statistics pertinent to the local economy of the City of Cold Lake. Thus, **the central region of study for this section will be the City of Cold Lake, benchmarked to the REDA (Northeast Alberta HUB – including 32 municipalities) and Alberta.**

This section reports industry statistics related to exports, employment, and businesses for the local economy with the aim of uncovering key industries that either exist or are emerging in the City today,

The Statistics Canada "North American Industry Classification System" (NAICS) of classifying industries is used for this report. The largest groupings or aggregations of industries categories are called Sectors, which are broken down into sub-sectors, which are then further broken down into Industries. An example of this breakdown follows:

Sector Level	31-33 Manufacturing industries
Sub-sector Level	336 Transportation equipment manufacturing
Industry Level	3364 - Aerospace product and parts manufacturing



Export Sales

This subsection investigates export sales by industry, whereby export sales are the sales values of goods/services produced inside the local economy and sold/consumed outside the of the City.

The City of Cold Lake's total export sales amounted to 2.4\$ billion dollars.

Listed below are industries in order of export sales made outside of the City of Cold Lake.

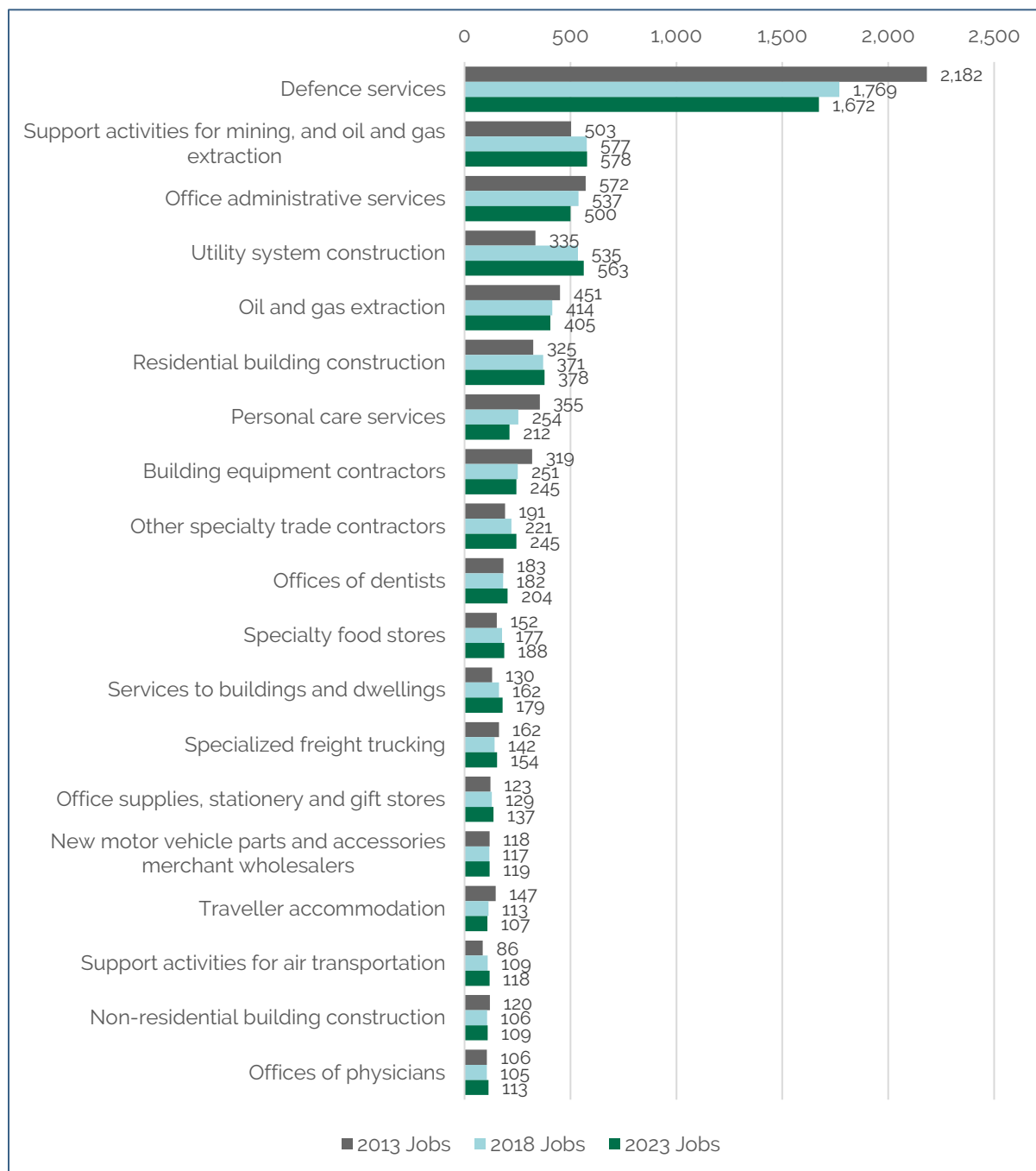
Table 2: Export Sales Dollars Flowing into the City of Cold Lake, by Industry

NAICS	Industry	Cold Lake	Cold Lake %	REDA %	Alberta %
2111	Oil and gas extraction	\$935,687,762	37.9%	30.4%	39.6%
9111	Defence services	\$395,713,087	16.0%	4.5%	0.5%
3241	Petroleum and coal product manufacturing	\$180,813,208	7.3%	7.4%	7.3%
2371	Utility system construction	\$93,289,098	3.8%	4.5%	3.2%
5611	Office administrative services	\$71,975,733	2.9%	0.7%	0.3%
2131	Support activities for mining, and oil and gas extraction	\$68,714,907	2.8%	8.1%	3.0%
3364	Aerospace product and parts manufacturing	\$59,546,571	2.4%	0.6%	0.1%
2361	Residential building construction	\$45,357,629	1.8%	0.5%	0.9%
4152	New motor vehicle parts and accessories merchant wholesalers	\$36,648,161	1.5%	0.3%	0.2%
4841	General freight trucking	\$30,149,334	1.2%	0.6%	0.5%
6221	General medical and surgical hospitals	\$28,507,150	1.2%	2.2%	0.2%
2382	Building equipment contractors	\$28,143,316	1.1%	0.7%	1.7%
4881	Support activities for air transportation	\$24,541,925	1.0%	0.2%	0.1%
2389	Other specialty trade contractors	\$24,412,781	1.0%	0.9%	0.9%
2362	Non-residential building construction	\$23,939,788	1.0%	0.9%	1.2%
5311	Lessors of real estate	\$20,305,234	0.8%	0.6%	0.6%
9130	Local, municipal and regional public administration	\$17,717,948	0.7%	1.7%	0.6%
8131	Religious organizations	\$16,347,966	0.7%	0.4%	0.0%
9112	Other federal services (9112-9119)	\$15,933,860	0.6%	0.8%	0.8%
1110	Farms	\$15,234,914	0.6%	5.9%	1.6%
6212	Offices of dentists	\$13,927,957	0.6%	0.2%	0.1%
5413	Architectural, engineering and related services	\$13,418,939	0.5%	0.5%	1.8%

Source: 2018 EMSI Analyst, based on 2013 National Input-Output Tables

To better understand which sectors are supporting the most jobs, Figure 8 shows the largest industries in the City of Cold Lake by number of jobs in 2013 and in 2018, as well as projections for 2023. This analysis does not include publicly-funded industries related to health and education.

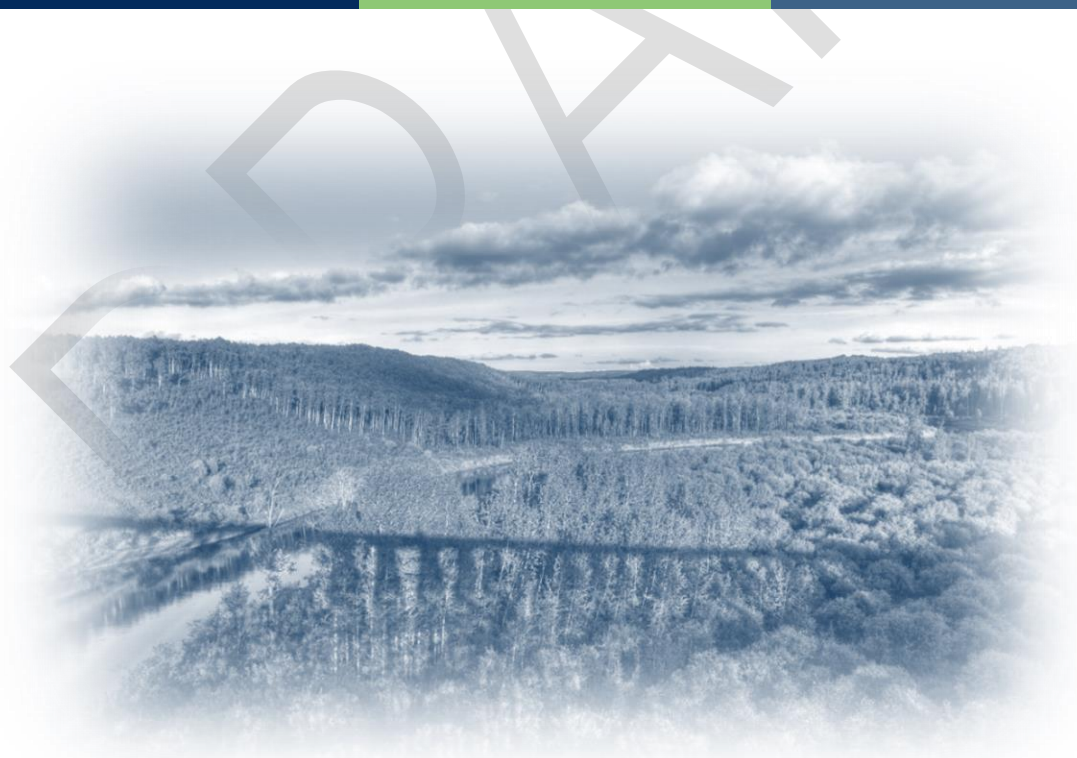
Figure 8: Largest Industries by Number of Jobs, 2013 - 2023



Source: EMSI Analyst.

Based on Figure 8, the following can be concluded about industry employment for the City of Cold Lake:

Largest Industries by Total Employment	Fastest Growing Industries by Employment Growth	Emerging Industries with Largest Projected Growth in Total Employment
<ol style="list-style-type: none"> 1. Defence services 2. Support activities for mining, and oil and gas extraction 3. Office administrative services 4. Utility system construction 5. Oil and gas extraction 	<ol style="list-style-type: none"> 1. Utility system construction 2. Support activities for mining, and oil and gas extraction 3. Other specialty trade contractors 4. Support activities for air transportation 5. Investigation and security services 	<ol style="list-style-type: none"> 1. Other information services 2. Utility system construction 3. Support activities for air transportation 4. Other specialty trade contractors 5. Services to buildings and dwellings



6. STRENGTHS, CHALLENGES, OPPORTUNITIES, ASPIRATIONS AND RESULTS (SCOAR™)



The following comprehensive SCOAR™ (Strengths, Challenges, Opportunities, Aspirations, Results) Analysis was prepared by analyzing the current statistics and data, a document review plus the feedback from elected officials, staff, stakeholders and residents engaged in the consultation.



- Stable, young, diverse population
- The Lake – offers natural beauty for residents and tourism asset for visitors
- Oil and gas sector offers accumulated wealth plus ongoing work and potential for future development
- CFB Cold Lake brings in both military personnel and contractors – many stay or return to live in Cold Lake permanently
- Stable employment and economic base from the Military base – employs over 1800 military staff plus 700 full-time civilian workers
- Good amenities – playing fields, arenas, marina area, good shopping
- Free public transport for workers
- Portage College that offers that offers trades training and a number of specially designed programs
- Small town feel with the amenities of a larger centre
- Good supply of land for future development
- Mayor, council and local leaders are focused on amenities that will attract residents and support future growth
- Friendly, strong sense of community



- Heavy reliance on Oil & Gas results in boom and bust cycles
- Lack of land that can be quickly developed (lack of Shovel-ready properties)
- Need more development of the lake-front – marina is too small, needs more shops and attractions at the Lake
- Need better way-finding signage for visitors to find the Lake, museum, shopping areas

- Lack of healthcare options and specialized services that are only available in Edmonton or Calgary
- Lack of capacity in Portage College to meet business & community needs
- Museum needs a long-term plan for its updating and improvement
- Lack of air service for both passengers and air freight
- Lack of awareness of available incentives for business improvements and expansions such as municipal tax rebates and business improvement grants.
- More employment options for residents; business diversification
- No dedicated Economic Development Officer to work with the business community and regional/government partners
- Continue to develop productive partnerships with neighbouring communities
- Petty crime – theft and vandalism
- Need more events to attract visitors
- High commercial and residential rents in spite of high vacancy rates
- Declining house values but increasing mill rates perceived as negative
- Highway 28 needs widening and more passing lane section, especially between Bonnyville and Cold Lake



- Lakefront development – recreation and accommodation
- More programs offered through Portage College, aligned with employer needs
- Aerospace development for civilian-focused technologies
- Construction, engineering and support service companies for both the oil & gas and aerospace industries
- Events and festivals including theatre
- Specialty stores and boutique retail stores
- Family restaurants near the lake
- Airport and related services
- Big box stores that offer quality with value pricing
- More year-round recreation
- Tourism options



- Lower unemployment rate – less cyclical economy
- Growth of new industries – more attractive employment options
- Growth and development that is planned and distributed over north and south parts of the City.
- Attractive local shops
- Lake front developed to offer more tourism and business possibilities
- Family-friendly, safe community – low crime rate
- Downtown area is redeveloped, open longer hours for shopping with more reasons to shop there
- Slow but steady growth that maintains a stable local economy
- Affordable flights to Edmonton and Calgary and beyond
- Pedestrian friendly areas in the city



- The gap between north and south is developed to feel like one community
- Great first impression when entering the city
- Attractive parks and green space
- Affordable housing with lower vacancy rates
- More variety of recreation, sports and cultural activities
- Good range of health care options supported by adequate numbers of doctors and health care workers
- Advanced education options for residents – linked to industry and jobs in the region
- More resilient economy supported by diverse industrial base.
- Good roads in a well-planned and organized community
- Stores and homes are attractive and well maintained – reflecting community pride



7. CITY OF COLD LAKE STRATEGIC ECONOMIC DEVELOPMENT ACTION PLAN

The following action areas have been derived through a rigorous process that included a thorough study of the City's economic base analysis, a target sector review, a full consultation and stakeholder engagement exercise and the City of Cold Lake SCOAR™.

These strategic areas of focus are where the City of Cold Lake should centre their resources.



Strategic Actions



7.1. Theme #1 – Investment Readiness

When investors want to invest in an area, they are looking for a strong, well-organized municipality with the capacity to meet their business needs. **The key to retaining existing and attracting new business is to undertake all the actions to be 'investment-ready' and 'business-friendly'.**

1. Assemble 'Team Cold Lake' with senior staff, a Councillor with the economic development portfolio and key external stakeholders that meet monthly to ensure the Strategy and its workplan are being implemented, address any challenges or opportunities and adjust workplan when necessary. This team should have at least one member of Council but should overall be a staff team that is mandated to implement economic development initiatives. In speaking with EDAC members, it was felt that they should have more of an advisory role rather than a doing role, as they all have their own full-time jobs/businesses and do not have a say over Council budgets.
2. Assess development land to determine what is required to create a "shovel ready" supply and approaches for working with investors and developers to achieve the outcomes the City wishes to see. Developers can assist in setting targets for a readily marketable supply of development.
3. Eliminate off-site levies in areas targeted for development and maintain off-site levies elsewhere until such time as those are planned for development.
4. Assess the water, waste water, electrical, gas and broadband capacity of the City to ensure that these utilities support and encourage progressive and growing businesses, investment and residential growth. Proactively budget infrastructure spending to facilitate growth.
5. Concentrate development in the areas where services can be readily extended from existing development. Investors and developers should be encouraged to locate in the planned, appropriately zoned growth areas to avoid unnecessary off-site levies, eliminate unexpected costs, delays and servicing complications.
6. Review policies and procedures, including process time, and any special policies, bylaws or procedures required to enable the desired level of control is delivered in a user-friendly manner. Benchmark process times against neighbouring/competing communities.

7. Use the economic base analysis to understand sectors/industries with the greatest competitive advantage and focus attraction efforts on those key sectors/industries. This would include developing sector knowledge, relationships and attending relevant conferences and trade shows in those sectors.
8. Work on measures to build the City of Cold Lake's reputation as a business-friendly place. An example might be an investment "concierge" (usually the EDO) to work with developments above a certain threshold to guide them through the necessary steps to reach a successful outcome with no delays or unpleasant surprises.
9. Compile and maintain a list of available development properties and their details.
10. Develop an Economic Development website to focus on information required by potential investors and to help direct them to available properties.

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7.2. Theme #2 – Community Development

Community development directly impacts the positive growth of the economy. The role of community development is, in part, one of the building blocks to support economically strong and vibrant communities. The assets and services helped to shape the community into what it is today and will, in part, dictate what it will be in the future.

1. Promote and gain buy-in to Cold Lake's Economic Vision:

Economic Vision

The City of Cold Lake boasts a vibrant, entrepreneurial and diversified economy, offering opportunities for its residents and newcomers alike. It is widely recognised as an important location for companies in the aerospace (both civilian and military), oil and gas or regional healthcare industries. Its high quality of life with its educational, sports and cultural assets make it a magnet for its highly skilled workforce and for the hundreds of thousands of visitors the City attracts each year.

2. Use the Economic Vision as a guiding principle for expenditure and strategic planning decisions.
3. Engage residents and businesses to create a Community Vision for the City of Cold Lake (testing and reinforcing Economic Vision). The objective is to provide a shared view of the future that engages the original component communities that make up the City of Cold Lake and will assist in the shaping of future growth that incorporates the additional new annexed land being added to the City.
4. Develop Planning and Development Guidelines that direct future growth and types of development that reflects the vision of the community. The Vision created in #2 is the aspiration of the community. The guidelines direct delivery of that Vision.
5. Develop a transportation strategy that improves access and safety for businesses and residents. This includes the establishment and promotion of the City's new airport in the shorter term and improvement of highways 28 and 55 in partnership with neighbouring municipalities and the Province - considering ways to decrease the perception that Cold Lake is 'the end of the road' (e.g. Highway 55 connects with 63 and continues east down to Prince Albert and then through Winnipeg to the port at Thunder Bay).

6. Develop and implement a healthcare improvement and recruitment strategy. Adequate healthcare was a key impediment cited by employers and residents and filling that void is imperative to completing the quality of life equation for Cold Lake.
7. Undertake the revitalization of the core areas of the City to "design out" petty crime, grow sustainable downtown businesses and address inviting entrance ways into the core areas. Plan and design adequate, convenient parking that will facilitate easy movement of people and vehicles, making downtown shopping a more enjoyable experience. Avoid street frontage parking/strip malls, developing parking lots behind the stores wherever possible – let the storefronts sell your downtown!
8. Develop a way-finding program that builds upon community branded signage to build community identity and to support tourism and the cultural assets of the City.
9. Develop a Communications Plan to collectively communicate the messages between government, businesses, CFB Cold Lake and residents.
10. Develop a Community Improvement Plan to encourage updating and improvement of properties in targeted areas of the City. This could include the formation of a Business Revitalization Zone (BRZ) that would access development tools and incentives not allowed otherwise.
11. Build on Volunteer Appreciation program, celebrating and acknowledging volunteerism.
12. Plan a 'Home-Coming' event that brings back graduates to the City and strategically exposes them to the quality of life offer and employment / business development prospects and supports. This has proven a very successful investment/resident attraction initiative for communities as investors that have roots in a community are more likely to stay even through downturns.
13. As the City's economic analysis indicates, women may represent an available labour supply in Cold Lake. Develop a project with Lakeland Employment Services for women and male spouses who come to Cold Lake with their families to find meaningful employment and utilize their skills, even if on a rotating basis. This will also differentiate Cold Lake from other Canadian Forces Bases.
14. Cold Lake is in a prime place to capitalise on the demand for skills in the aviation industry. Expand the Art Smith Aviation Academy curriculum to grade 12 in one of the high schools and tie that in to post-secondary education with SAIT, the new Elevate Learning Centre at Edmonton International Airport or others. This will develop home-grown talent as well as attract students from North America and overseas – establishing Cold Lake as the place to be if you are serious about a career in aviation.



7.3. Theme #3 – Industry Development

Most future growth will be driven by people and businesses already in the City of Cold Lake.

The Economic Analysis identified leading industries and competitive advantages. Indicators can be used to guide the efforts of the City of Cold Lake and provide a focus for Industry Development.

1. Take a "Centre of Excellence" approach to developing the Aerospace sector. Take advantage of anticipated construction and Future Fighter developments that will drive workforce demand and potential new businesses.
 - a. Build on Art Smith Academy and extend to high school and into college. Leverage College resources as well as other sources of training, skill development and advanced learning to build Cold Lake's reputation as a centre of excellence in the aerospace industry.
 - b. Develop the municipal airport site for support industries.
 - c. Cooperate with SAIT and other PSIs (even outside of Alberta) to offer the experiential side of their aerospace programs.
2. Further develop the Business Directory that is searchable to aid in communication with key businesses and to help identify gaps in value chains that a new or existing business might fill. Potential investors will be curious about the types of businesses already in the City that they might work with either as suppliers or as users of their goods or services. The Directory can serve an additional purpose in emergency response management and demonstrate good stewardship of City of Cold Lake businesses.
3. Design and deliver a Business Retention and Expansion (BR+E) Program to initiate and maintain proactive engagement with key businesses and establish an ongoing relationship that the City can build upon to stay abreast of issues facing businesses in the City. It can also use the BRAPE tool as part of this BR+E Program. The ongoing engagement with businesses will support efforts to retain existing businesses as well as plan for both internal growth and attraction of key suppliers required by local businesses.
4. Assess the water, waste water, electrical, gas and broadband capacity of the City to be sure that these utilities support and encourage progressive and growing businesses. Needs differ from one sector to the next; business engagement through BR+E will identify the extent to which utility needs are being met.
5. Assess the workforce needs and training requirements of businesses to take advantage of opportunities that are available while meeting the needs to the business community as it grows, evolves and requires new technologies and workforce capabilities. Take advantage of foreseeable developments at CFB Cold Lake as well as associated civilian applications of aerospace technology. Portage College is a powerful asset in the community and can be an ally in addressing future opportunities.
6. Based on workforce needs, ensure housing stock and amenities are of a calibre to retain and attract highly skilled talent, their spouses or partners and families.
7. Develop a plan to capitalize on expected developments at the new civilian airport facility. The airport provides an important service for businesses and residents and also provides a focal point for new business opportunities that may be associated with the facility.



7.4. Theme #4 – Tourism

Tourism can be a major economic driver for the City of Cold Lake's economy. In addition, visitors who enjoy the City and area are the best prospects for new residents and investment. The sector encompasses local/regional activities such as food and accommodations, retail, festivals and events, sporting activities, arts, culture and heritage. To achieve the best benefit from tourism, there needs to be a plan to ensure that it grows and develops consistent with the community's vision. Tourism can serve a vital role in introducing people – potential new investors, skilled workers and residents to the City of Cold Lake, its quality of life and the natural beauty of the area.

1. Work closely with existing organizations to promote tourism for the City, including Travel Alberta and Municipal District of Bonnyville. Encourage collaboration and regular communication to avoid timing conflicts and to enable joint marketing.
2. Create an asset inventory of attractions, cultural assets and supporting infrastructure and identify gaps. The gaps may include new tourism products and packages – more reasons for tourists to stop and spend time and money in the City of Cold Lake.
3. Develop the Lake front and business offer in Cold Lake North. Work with existing businesses, Cold Lake First Nations, property owners and stakeholders to focus on developing an offer and work with surrounding area to keep visitors longer.
4. Create and implement a Tourism Signage program building upon community identity/brand and way-finding identified under the Community Development theme.
5. Develop a sports tourism strategy with enhanced programming to fully occupy the excellent arenas, new soccer pitch, playing fields and other facilities on a year-round basis.
6. Form two separate committees from the current Recreation and Culture Committee and allocate funding to both.
7. Develop a long-term plan for the development of the Museum as part of Cold Lake's Unique Selling Proposition (USP), perhaps as Drumheller has done with the Royal Tyrell, working with DND and local experts and volunteer board, This could be developed into a true destination!
8. Work with theatre, cultural tourism, including Cold Lake FN groups to develop a strategy to capitalize on their efforts. Promote and grow the theatre and cultural opportunities that exist and would benefit from improved collaboration with Travel Alberta and the ongoing efforts being supported in the Municipal district of Bonnyville to promote features, events and tourism bundles that include theatre and culture. This could include charter packages from Edmonton.

8. CONCLUSION

The City of Cold Lake is faced with a number of challenges and opportunities. At time of the writing of this report, the annexation of a significant area of land for future development is nearing completion. The development of a new airport facility is awaiting final approval. CFB Cold Lake is preparing for a new generation of fighter jets along with facilities and staff to support them. At the same time, oil and gas dependent businesses are enduring a long and painful period of depressed prices. Decisive action is needed to secure the economic future of the City and assure that opportunities are not missed.

There is current risk of missing opportunities at CFB Cold Lake and with oil & gas support businesses due to a lack of skilled people among other factors. Immediate action is needed to avert further eroding of potential opportunities. To capitalize on opportunities and mitigate risks, a number of actions are recommended:

1. The City needs to be more engaged and proactive in steering future economic development. Growth and investment driven by oil and gas might return and if it does then the City needs to be prepared to quickly land those opportunities. An emphasis needs to be placed on diversifying the economy in the event that oil and gas does not return with the same vigour as in previous economic cycles.
2. There is much work to be done with greater control by the City. EDAC may serve an advisory role but the required actions are beyond what can be expected of a volunteer group. The work requires the time and attention of an economic development professional to manage the process and capitalise on the existing culture of economic development awareness and teamwork within the City.
3. New employment lands need to be developed systematically to enable a reasonable supply of shovel-ready land availability that can be serviced at a reasonable cost.
4. Existing commercial areas within the City require some redevelopment with a view to greater integration of the former communities into a more consistent look and feel with amenities and features that will appeal to a young, highly skilled population.
5. Tourism, culture, arts and theatre represent economic opportunities in their own right. Additionally, they play a vital role in building the attractiveness and appeal of the City to attract and retain an increasingly skilled population with high expectations of the community that will be their home.

6. Developments at CFB Cold Lake will require a significant increase in the number of skilled maintenance people. Similarly the military contractors will require new and more complex skills in their workforce. The City must be proactive in collaborating with military contractors, Portage College, 4-Wing and other training facilities to assure that as much skill upgrading of existing staff as possible can be accomplished. In addition, new talent may need to be attracted to the City from other jurisdictions, Retention and attraction of new talent will be vital. Ongoing engagement with employers will help to identify and address attraction and retention issues.

7. There have been ongoing challenges in attracting doctors and some professionals (engineers, management staff) to the City. A factor identified has been career opportunities for spouses and partners. An initiative is required to identify opportunities in the City or nearby for partners and spouses as part of any talent recruitment program.

8. Issues facing the City require extensive collaboration with the MD of Bonnyville, Cold Lake First Nations and the HUB (Regional Economic Development Alliance). Working together, the communities can better address the big issues of workforce development, transportation, highway improvements and marketing of both tourism and investment opportunities that would be more difficult to accomplish individually.



APPENDIX A—PROJECT DESCRIPTIONS

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Action Plan 2006/07

An Economic Development
Strategy for the City of Cold Lake



Message from EDAC Chair

It is my pleasure, on behalf of the Economic Development Advisory Committee, to introduce Action Plan 2006: An Economic Development Strategy for the City of Cold Lake.

This pro-active development strategy represents City Council's commitment to transform Cold Lake to a regional service centre. Servicing the needs of residents and industry in Northeast Alberta and Northwest Saskatchewan.

It is imperative that the City strives to create a more diversified tax base to ensure long term financial sustainability. The City needs to create an environment that provides local job opportunities for its citizens. The Action Plan will address these critical issues in a pro-active manner.

Economic growth in Cold Lake is inevitable. Unplanned economic growth could actually accentuate land use conflicts and detrimentally affect the quality of life in our City. The Action Plan will ensure that new growth meets our social, economic and environmental objectives.

The Action Plan is a work in progress. It is imperative that the residents of Cold Lake review this document and identify areas where they can play a role. On behalf of the Economic Development Advisory Committee, I encourage all residents to participate in the future of Cold Lake.

Michelle Bourdon
Chairperson

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EXECUTIVE SUMMARY

The Action Plan 2006/2007 layout within this document is a dynamic strategy that is fluid enough to change with the environment and resources that are available. Many of the projects are linked together and as successfully completed will open up new economic opportunities for the community of Cold Lake.

This document identifies the need for community based economic development strategies and what the Cold Lake Economic Development Advisory Committee's role is. Much of the strategy contained herein is derived from the community facilitation sessions held in May/June of 2005.

Section I [Introduction] of the Action Plan is a justification for the economic development function and identifies broad economic development objectives. The next section [Economic Outlook] is a brief historical perspective on the City, followed by global, national, and provincial macro-economic analyses that identify trends and opportunities. Section III [Economic Development Principles] introduces the approach to economic development that embodies community collaboration and empowerment towards common goals. The next section [SWOT Analysis] identifies strengths, weaknesses, opportunities and threats in the form of a competitive analysis from a local perspective. Section V [Strategic Priorities] focuses on the action items identified by the Economic Development Advisory Committee over the 2005 fiscal year. Section VI [Action Plan 2006/2007] represents the actionable items that the City and its partners will address in Year I of this plan. Section VII [Performance Monitoring] is a framework to measure the overall efficiency and effectiveness of Action Plan. Section VIII list some projects that could be looked at in the future but are not specifically addressed in the short term. Any of these projects could be looked at as resources become available or community priorities change.

1 INTRODUCTION

"If you don't know where you're going any road will take you there."

When it comes to economic development, nothing is truer. Unless concept and direction are clearly established, policy becomes chaos. This Action Plan provides the blueprint for the City of Cold Lake's economic success.

The strategy is an important first step in the economic development process. This document is a work in progress. The implementation plan will be continually revised as the mission is constantly changed by a turbulent, changing global economy. The challenge is to gain the commitment and involvement of the business community, the general public, City Council and staff in implementing the strategy.

The Economic Development Advisory Committee was re-energized in 2005 and has worked to identify the strategic priorities that this plan addresses. The Action Plan is based on community consultation. The Action Plan is linked to the constraints inherent in environmental and financial parameters that prevail in contemporary municipal government.

This Action Plan is a blueprint for Cold Lake's economic success over the next five years and it will be reviewed on an annual basis. The document will serve as a starting point in setting a five-year vision for the City of Cold Lake. The work plan outlined in Section VII covers a period of two years and will be updated on an annual basis. It is imperative that stakeholders review this document and identify areas in which they can play a role as partners.

1.1 Why plan for economic development?

The City of Cold Lake is growing at a moderate pace that has the potential to rapidly accelerate. The ten year population projections for the City range between 15,000 and 22,000. It appears that growth in Cold Lake is inevitable therefore why does the City need to plan for economic development?

The notion that the private economy should be left alone assumes that markets are perfectly competitive. This model is based on assumptions that are highly unlikely. Perfect competition assumes that all market participants have perfect information with no externalities; there are a large number of buyers and sellers such that no participant can distort the market. In reality the market is full of imperfections. The perfect competition model does not produce a balance between social, economic, and environmental activities.

Inadequate economic development planning and uncoordinated investment promotion activities would accentuate land use conflicts and detrimentally affect the quality of life in our communities. A pro-active approach to economic development is required to ensure the following positive outcomes are achieved.

1. Addressing economic objectives identified in public consultation process.
2. Creating a complete community with its own identity where people live,

- work, shop and spend their leisure time closer together.
3. Responding to the downloading of more responsibility from senior levels of government and addressing the impact on municipal finances.
 4. Sharing of resources and expertise offered by local stakeholders both internally and externally to avoid duplication and fragmentation.

Another argument for economic development planning is that communities are in competition with one another. Local government structure puts local economies head to head in a battle for economic survival. Cities that do not plan effectively lose.

Effective economic development planning helps to avoid these potential problems by:

- defining a common vision that integrates all the community stakeholders;
- developing a strategic planning environment to achieve the vision; and,
- coordinating the stakeholders through role identification to attain the vision.

1.2 Cold Lake Economic Development Advisory Committee (EDAC)

EDAC Mission Statement: “To promote, initiate, expand and enhance the full economic potential of the Community of Cold Lake by recognizing and using local and regional assets and worldwide opportunities to improve the standard and quality of life of our residents.

The Economic Development Advisory Committee mission statement clearly precludes a conventional approach to economic development, which is identified as; a staff person maintaining a small office, preparing strategies for marketing, business attraction and business retention. The staff within the confines of their physical resources, imagination and budget undertakes implementation of strategies. This very structured, conventional approach can result in the perception that the City is hiding behind the need for confidentiality and is virtually a secret society. There is no participation from the community, little understanding of the activities and limited results, giving rise to a high level of dissatisfaction.

The solution: to bring the economic development department and the community together in a partnership, harnessing and focusing their energy to achieve a greater economic advantage. This partnership will generate many benefits by encouraging the economy, the environment and the people to become the **“Cold Lake Advantage”**. The role of the economic development office becomes one of facilitation and coaching to empower internal and external organizations to achieve broad-based community objectives identified through public consultation. The first round of public consultation was done in May of 2005 resulting in the identification and prioritization of issues under the four pillars of economic development.

The success of this concept will depend on the ability of community partners to change their mindsets to make the transition from command and control to a team approach and working outside the box. The Cold Lake Advantage is the core that provides the energy, motivation, training and coaching to stimulate a high level of productive activity within the community, in general. By nurturing and feeding the collective attitude, this concept can generate an awesome power, surpassing the wildest expectations.

Economic Development Objectives

1. To promote a positive corporate identity that positions the City as a business friendly community with a superior quality of life.
2. To create employment opportunities suited to the local labour pool.
3. To expand and diversify the tax base.
4. To support small business development, expansion and retention.
5. To attract new investment that meets social, environmental and economic objectives

2 ECONOMIC OUTLOOK

Cold Lake is best characterized a community in transition. Critical issues facing the City include a tight labour market, with competition for labour compounded by a housing and affordable housing supply issues. There is also a lack of industrial based businesses. It is imperative that the City strives to create a more diversified tax base to ensure long-term financial sustainability. The City needs to create an environment that provides local job opportunities for its citizens.

2.1 Historic Perspective

Military

In the early 1950s, an army of construction workers started building Canada's premier fighter base in the heart of the Lakeland. Half a century later, 4 Wing carries on that tradition, and continues to be at the cutting edge of military fighter aviation. The year 2004 marked the Gold Jubilee of a unique relationship between CFB Cold Lake and the communities of the Lakeland. For the last fifty years, the City of Cold Lake has enjoyed a relationship unmatched between a Canadian Forces Base and the civilian world.

4 Wing Cold Lake began in 1952 when the site was chosen by the Royal Canadian Air Force for an air weapons training base. In 1953, the federal government signed an agreement with the provinces of Alberta and Saskatchewan for the use of a tract of land 180 km by 65 km for use as an air weapons range. This was and continues to be the "raison d'être" for 4 Wing Cold Lake and its operations.

The Cold Lake Air Weapons Range (CLAWR) has evolved to the point where it is considered to be one of the finest facilities of its kind in the world. The CLAWR covers an area of 1.17 million hectares straddling the Alberta/Saskatchewan border. Several factors unique to the CLAWR make it an ideal choice for combined air operations training. The heavily forested terrain with numerous lakes resembles European topography and differs from the desert conditions in southwestern Nevada. For these reasons, the internationally renowned Maple Flag Exercise is held on the range every year with ever growing success.

Oil

Discovery of bitumen deposits at Cold Lake dates to the 1920s, but it wasn't until a geologic survey was completed in 1961 that the huge potential of the Cold Lake oil-

sands deposit became known. In 1962, Imperial Oil drilled 10 evaluation wells on leases it acquired at Cold Lake several years earlier. The company began construction in 1964 of its first experimental pilot operation at Ethel Lake. With two additional pilot operation in 1972 and 1975 paved the way for a commercial-scale project at Cold Lake.

A planned, \$13-billion megaproject that would have produced 160,000 barrels a day of bitumen and upgraded it into synthetic crude oil was shelved in 1981 because of prevailing business conditions. The disappointment felt by the huge project team soon gave way to excitement over plans for a phased, step-by-step approach. Instead of the huge megaproject, smaller production units or phases were developed as markets and business conditions allowed. Construction of the first two phases of commercial development began in 1983, now production from recent phases coming online in late 2002 has increased production capacity to more than 150,000 barrels a day.

To date, Imperial's total investment in the Cold Lake commercial project is about \$2.3 billion, with an additional \$260 million invested in research, technology development and pilot projects.

There are many other oil companies that have been active in the Cold Lake Oilsands development. They are Canadian Natural Resources, Encana Energy, Husky Oil, Devon Resources and Black Rock Energy.

Tourism

The lake provides excellent opportunities for recreation. With improved roads the access to Cold Lake has drawn recreational users from all over the province. The Province government has seen the value of tourism and developed the Cold Lake Provincial Park as well as the English and French Bay Recreational areas. Increased leisure time will continue to make these recreational opportunities important to the community.

2.2 Alberta Caveats

Alberta has a population growth rate of 1.9%. The vibrant economy of Alberta combined with the retiring baby-boomers has created a labour shortage that is effecting the economic growth of the province.

1. The high wages that are paid to the oil industry workers has drawn many workers out of the retail and service sectors of the economy, leaving many businesses understaffed, with resulting losses of customer service.
2. The high demand for construction workers and equipment has created a highly inflationary cost of construction for all types of construction, making the business case for start-ups and construction of non-oil related businesses more difficult.

2.3 Social Structure

- Young population
- Semi-transient
- Highly educated
- More jobs than people
- International exposure
- Above average income

Emphasis on quality of life

Demographic changes as a result of an aging population and increased immigration will result in dramatic shifts in social and recreational services. These populations have different political values and voting patterns. The emergence of “gray power” as a political force is already a reality.

This population will place a considerable amount of emphasis on crime prevention, health care, leisure and recreation.

2.4 Global Trends, Global Integration, Deregulation and Reregulation

The Canadian economy has made the transition from industrialization to the information age. The production of goods to meet Canada’s demand requires 20% of the workforce. The production and provision of services within Canada account for the remaining 80% of the workforce.

The major OECD countries are experiencing an aging population that creates major impacts on investment and consumption patterns. Furthermore, the birth rate has been declining steadily resulting in zero natural growth rates. This phenomenon can be offset by immigration and Canada is counting on immigration as a prime source of population growth. Younger active people primarily of Asian descent are being targeted. This activity has important social and economic policy implications.

There is a new emerging economy in North America that is moving away from manufacturing and towards knowledge intensive and niche-based entrepreneurial.

- Tourism has grown into an \$8.5 billion industry.
- Knowledge-based services such as software, information technology, consulting engineers and architecture have excellent potential.
- Education services have long term export potential in a highly competitive marketplace.
- Transportation industries have the potential to be an export engine.
- Communication industries have seen explosive growth in wireless and fibre optic technology.
- Knowledge-based manufacturing will continue to be a competitive growth industry. (Goldberg, 1998, pp 10-18.)

Historically, the Alberta economy was characterized as a resource-based commodity economy producing homogeneous products at world prices. In recent times there has been some movement into the value-added product strategy, in the agriculture, forest and petroleum industries.

The major implication is heightened global competition. Companies have to make effective use of technological change and must adapt to new markets more efficiently than their competition.

Companies that are dynamic that can address change effectively will succeed, while those unable to adapt to this high paced environment will disappear. There will be an

explosion of new opportunities in service producing markets.

Organizations that can integrate new technology into their operations will have a significant competitive advantage. They require the ability to process massive amounts of information about their internal environment, their customers, and potential customers, about emerging global trends.

There is a new emerging economy in Alberta that is entrepreneurial, knowledge intensive and niche-based. A successful economic development strategy must embrace the new economy and prepare the City for an era of rapid change, ongoing learning, competition and exciting opportunities posed by change.

2.4.1 Aerospace

This global industry is rebounding from the impacts of post-9-11 travel and has now surpassed the pre 9-11 levels. There are many segments that are rapidly growing including the Unmanned Vehicle Systems, composite materials fabrication and testing. In Canada during 2005, passenger traffic increased by 10% and air freight by 4% over previous years.

2.4.2 Tourism

Tourism is regarded as a major economic engine over the past decade. It has grown into an \$8.5 billion industry that includes business travellers, conventions, sporting events and holiday vacationers. Tourism product development includes golfing and skiing, entertainment, nature and adventure tourism. Changing demographics make this an industry of the future.

2.4.3 Educational Services

Many community colleges have been aggressive in catering to international students. There are excellent prospects for continued export growth in this highly competitive marketplace. Strong growth should continue in primary, secondary and ESL as well as in the post secondary sector and especially in the highly lucrative management and executive training areas.

2.4.4 Knowledge-based Services

In the case of software, with modern information technology and the internet, most people can work at home, making it even more difficult to assess its scale and impact.

This population will place a considerable amount of emphasis on crime prevention, health care, leisure, recreation, and culture. A changing ethnic mix will also result in social structure and value changes.

3 ECONOMIC DEVELOPMENT PRINCIPLES

From the SWOT and other related documents identified a number of consistent messages and themes. For planning purposes these themes are being presented as underlying principles of Cold Lake's Action Plan 2006.

3.1 Coordinated Approach

A coordinated and cooperative approach to economic development must be incorporated into the plan. It is important to use the skills and abilities of the participating partners internally within City Hall and externally within the community. The challenge is to harness this interest and energy, focus it in a common direction and use it to drive socio-economic initiatives. The role of the economic development office will become one of facilitation and administration. The partnership will provide a forum for all community groups, businesses and citizens to participate in issues of common interest.

3.2 Balanced Approach

The Action Plan must strive to enhance quality of life that the citizens of Cold Lake have articulated they want through public consultation. Quality of life enhancement results from managing the community in a way that balances the social, economic and environmental implications of our activities in order to meet the needs of the public without compromising the ability of future generations to benefit from similar services.

Sustainable economic development recognizes that economic development and quality of life are part of the same equation. Community leaders, business executives, City planners, entrepreneurs, public servants, social service workers all have a contribution to make. They have to articulate a vision for the City that includes a priority list of services, facilities and employment opportunities that impact so markedly on the community's quality of life.

We know that the quality of life in Cold Lake is dependent on sustaining beneficial economic activity, including the creation of more jobs and long-term employment opportunities. Increased employment means increased tax revenues, which means better social, educational, cultural and community development services and facilities, all of which directly affect the quality of life available to our citizens. Only business and industry can make investments in income producing ventures, therefore, it would be beneficial to reduce the obstacles to investment by having well defined plans, simple procedures and less complex regulations.

3.3 Smart Community

Information technology will break down access barriers, reduce traffic congestion and open up City Hall on a 7-day X 24- hour basis. Utilization of technology in all of Cold Lake's marketing efforts will reduce the cost of spreading the message around the world.

3.4 Regional Approach

The City will work cooperatively with the MD of Bonnyville, Town of Bonnyville, Cold Lake First Nations, and Elizabeth Metis Settlement on projects that have regional significance. The City will work closely to provide input and receive support on regional issues such as labour and transportation.

3.5 Flexibility

The Action Plan must be flexible and organizations involved in implementing the strategy will be open to new opportunities. This multi-year strategy will be reviewed on

a quarterly basis with an opportunity to make mid-course corrections if required.

3.6 Leadership

The business community holds the City accountable for the responsible management of our economic future; therefore, City Hall will exercise leadership in the pursuit of economic development for the City. The economic development advisory committee will provide research and recommendations on matters as directed by Council. The EDAC committee will provide the public with an annual progress report.

4 COMPETITIVE ANALYSIS

No strategic plan would be complete without a discussion of the strengths and weaknesses of Cold Lake. The following SWOT analysis is from the public input sessions. Items from Appendix A mentioned by 3 or more groups were included in the following summary.

4.1 Strengths

- Recreational opportunities provided by exceptional natural resources and beauty. Natural resources will continue to provide an important strength for the future.
- Strong economic base founded on oil and military.
- Diverse culture and cultural backgrounds, including first nations, strong francophone and international components.
- Millennium Trail and other trail systems (African Lake).
- Strong retail presence which helps establish Cold Lake as a regional trading centre. This has expanded the trading area.
- Competent, well-trained labour force with a diversity of skills and high educational background.
- New regional college, along with post-secondary opportunities.
- Health Care services, modern hospital with regional influence.

4.2 Weaknesses

- Lack of affordable housing.
- Labour force shortages.
- Transient nature of the community, as a result of short-term military and oilfield employment trends. This results in low community pride and involvement.
- There is a lack of developed industrial land to support new opportunities.
- Roads system – lack of dangerous goods route and high traffic volumes that create dangerous intersections.

4.3 Opportunities

- Aerospace Industry has growth potential because of the labour market created by former military personnel remaining in the community. This labour force has reached a threshold that can supply the skills required to support many areas of opportunity in this diverse industry.
- Tourism has an opportunity for growth in Cold Lake. New tourism infrastructure may be required to take advantage. Forests, lakes, rivers and wilderness all have strong roles to play in future economic success.
- There are opportunities for the construction of affordable housing options within the community.

4.4 Threats

- The increasing cost of housing and utilities limits the number of people who can afford to live in Cold Lake. This in turn limits the labour force required to staff the retail and service industries.
- Apathy and lack of community involvement reduces the quality of life, fewer volunteers mean that many needs go unfulfilled in the community.
- Increased drug and criminal activities.
- Continued provincial and federal downloading.

This Action Plan intends to build on the community's strengths while overcoming or minimizing the weaknesses and seizing opportunities.

5 STRATEGIC PRIORITIES

The Economic Development Advisory Committee consulted with the community through a public input and strategic planning process in May/June of 2005. The following items were identified and ranked by the community in order of priority. EDAC has established four adhoc working groups that are looking at each of these area to develop a strategy that can be effectively implemented to start to solve some of these challenges.

Four Pillars from SWOT Analysis

5.1 Opportunity Identification / Attraction & Investment

	Community Priorities
• Create an affordable housing plan.	28
• Develop an Industrial Development Plan.	10
• Create a Retail Business Development Strategy.	5

There are numerous opportunities to attract new investment in targeted industries, particularly in retail, oil, and aerospace. Cold Lake's location can provide quality of life that is very appealing for companies. It is imperative that Cold Lake does not remain one of Canada's best-kept secrets. EDAC will work to identify opportunities that will complement and build on the asset base that exists in the Community. EDAC will work toward the development of new business and investment within the community of Cold Lake.

5.2 Retention & Expansion

	Community Priorities
• CLN role in business development.	19
• Create plan to support local businesses.	18
• Downtown Revitalization.	4

Small business will continue to be the major engine of growth in Cold Lake generated locally by business formation and expansion. A hallmark of a successful economic development strategy is the ability to establish an environment that encourages local entrepreneurs and small business. EDAC will work to retain and expand the existing business community in Cold Lake. Through a variety of initiatives, emphasis will be placed on encouraging young people in the community to consider business as an exciting and rewarding option.

5.3 Marketing and Promotion

	Community Priorities
• Develop a comprehensive marketing strategy.	19
• Develop a communication/marketing plan for area.	17
• Develop and Promote an Immigration plan.	8

Cold Lake is open for business and needs to project that image globally. Through creative planning and an external communication strategy the “Cold Lake Advantage” will be aggressively marketed throughout the world. EDAC will assist in the Promotion and Marketing of the Community of Cold Lake.

The tourism industry will be the natural resource industry of the new millennium. The City requires a comprehensive strategy to ensure that this potential becomes a reality. The City can focus on a number of areas including, meetings and conventions, golfing, skiing, eco-tourism, recreation, heritage and arts and culture.

5.4 Community Lifestyle Development

	Community Priorities
• Develop plan to deal with community transportation.	28
• Investigate activities/entertainment for youth.	20

EDAC will work to support and enhance the high quality of life in the Community of Cold Lake - in other words, the Quality of Life impact assessment will always influence the selection of opportunities.

6 ACTION PLAN

EDAC Action Plan represents a comprehensive work plan for the year 2006 and 2007.

6.1 Monthly Breakfast

Citizens of Cold Lake are important contributors to the economic development process. It is therefore important to keep them informed and in touch with economic development activities taking place. Ensuring a knowledgeable community as it relates to economic development is important. The monthly breakfast allows the local media and the community to be informed of the progress being made and the challenges being addressed. The EDAC website will be utilized to communicate between the Working Groups and EDAC members.

6.2 Cold Lake Ambassadors

There are many individuals and groups who travel and represent the community indirectly to various areas. The Ambassador’s program is to recognize these individual and to support their efforts. Each month up to 10 ambassadors will be recognized and presented with an Ambassador’s package which contains samples of materials that they can distribute. They will be encouraged to keep up the good work. This program is designed to encourage a sense of pride in the community of Cold Lake.

6.3 Affordable Housing

The one issue facing Cold Lake residents is related to affordable housing- according to a public opinion survey conducted in 2005 as part of the City’s strategic planning process. The Opportunity Identification working group has spent over six months researching this topic to identify some of the issues and determine the order of

magnitude. They will present their findings and recommendations in the 2nd quarter of 2006.

6.4 Communications and Marketing Strategy:

- Develop a marketing plan that identifies key target markets along with strategies that can be used to extract the greatest return on investment of the limited resources available. These markets will include tourism products, business, and labour force attraction.
- The review and recommend changes to City of Cold Lake Marketing materials based upon the Marketing Plan.
- B-Card CD ROMs will be sent to qualified prospects and will be made available to real estate agents and recruiters.
- The City website will be upgraded to provide potential investors with accurate and timely information regarding site selection.
- Local business and residents will have an opportunity to participate in an ongoing economic development forum.

6.5 Tourism Strategy

- The Economic Development Advisory Committee will establish a tourism focus group that includes key stakeholders in the tourism industry sector, namely, the Chamber of Commerce, Cold Lake Ag Society, Leisure & Parks Services Department, Cold Lake Museum, and accommodations representatives.
- The tourism focus group will develop a comprehensive list of tourism - related stakeholders to begin work on a comprehensive inventory of tourism resources in the Region.
- The tourism focus group will encourage the development of a broad-based marketing campaign that includes contributions from all regional players.
- A comprehensive tourism website will be developed and linked to the City website.
- The Economic Development Advisory Committee will proactively seek out new investment opportunities in the tourism sector.

6.6 Business Retention Strategy

- The Economic Development Advisory Committee will identify key local businesses to be earmarked for Business Visitation Program. The purpose of a BVP is to identify some of the challenges faced by local businesses and to work with them to come up with solutions.

6.7 Aerospace Strategy

The aerospace industry has the potential to create new sustainable jobs and income in the City of Cold Lake. The industry can build on the numerous military personnel who choose to stay in the community after serving with the Canadian Military. This industry will create excellent opportunities to diversify into a global market utilizing local strengths.

- Build database of former military personnel and skills available in area for pursuit of aerospace.
- Develop a comprehensive marketing plan.
- **Target Industry Sectors** – Military, UAV, Lighter-Than-Air, Engine Test

- **Aerospace Park** – Airport Expansion, Land Subdivision, City Services, Tax Revenue
 - Develop an airport that has a runway suitable for landing 737 size aircraft and land adjacent that is available and suitable for commercial / industrial development.
 - Sub-divide land and sell property for private and commercial hangar development.
 - Seek out public/private partnership opportunities to invest in aerospace infrastructure, for example, aerospace industrial park.
- **Training Centre** – Composite Materials Fabrication, Electronics, Robotics, Avionics, Maintenance & Repair
 - Seek out partnership opportunities with NAIT, SAIT, DeVry, U of A, and Portage College to encourage aerospace course offerings that will support industry growth and lead to the development of an aerospace training centre.
- **Research** – Communications, Composite Materials, Flight
 - Seek out research and development opportunities that would utilize the human resource knowledge in the area. (ie UVS Centre of Excellence, Aircraft Certification Facilities)
- **Business Incubator** – Research to Commercialization, Start-Up Companies

6.8 High Technology Industry Strategy

High Technology industry is clean and green and is one the fastest growing global industrial sectors. The City of Cold Lake needs to look at ways to attract this industry with proper planning and targeting.

- A high tech focus group will be formed that will include Portage College, DeVry, UofA, and Science Council of Alberta to identify target markets.
- Develop high-tech competitions that utilize communications tools, robotics, and new materials fabrication. The goal is to start small and grow to global recognition and competition.

6.9 Small Business Development

- The Economic Development Advisory Committee will host a forum of all small business providers to develop a small business development action plan. The ultimate goal is the creation of a business development center that provides small business with one window access to government programs, financing, education and marketing.
- The development of a small business development roadmap that will detail all the legal requirements for operating in the City of Cold Lake and local resources available to support local business. This publication will be available online as well as in hardcopy.

7 PERFORMANCE MONITORING

This section identifies performance indicators that can be used to monitor the City's overall success in achieving its economic development objectives. Performance monitoring requires the cooperation and input of all City departments and community stakeholders.

7.1 Measuring the Effectiveness of a Business Attraction Program

Business attraction programs are typically the most visible aspects of a community's economic development efforts. One major relocation project can pump new life into a local economy. Combined with ancillary spin-offs, a community can reap economic rewards for years from such projects, and not surprisingly, the competition for such investment has become fierce.

A variety of organizations contribute to these marketing efforts. Municipal, Provincial and Federal governments, Chambers of Commerce, Labour organizations, utilities, developers, regional entities, and local businesses among others provide individual leadership for marketing initiatives. The ability to work together to establish a unifying vision and some measure of coordination for the marketing activities of these organizations is a key factor in the success of business attraction programs.

Most business programs consist of several components that when operated in tandem are designed to provide the community with exposure to as many expansions, relocations, or new business developments as possible. These usually consist of an overall marketing campaign, which includes a mix of advertising, public relations, and networking; target marketing efforts directed towards specific business sectors, clusters or geographic areas; and, marketing support efforts which include the development and maintenance of marketing materials and management of the prospect through the sales effort.

Economic development organizations employ a number of efforts to evaluate and monitor their business attraction programs. Communities that receive investments typically want to know if they are better off as a result of the economic development group's effort, so they must look at measures that capture economic benefit. At the same time, the funding source, whether it is the government or the private sector, typically wants to know if the money is being wisely spent.

Therefore they tend to look at measures of organizational efficiency or productivity. Finally the business itself, which is the target of all the effort, evaluates an economic development organization on the quality and utility of the services it provides. The following list provides the data requirements necessary to develop a comprehensive monitoring system.

7.1.1 Economic Benefits

- Number of Businesses
- Number and Types of Jobs Created
- New Investment
- Property Tax Enhancement

7.1.2 Organizational Efficiency

- Number of Contacts: produces baseline data; year over year quantitative effort; there are no guidelines to determine an appropriate number of contacts per organization.
- Number of Leads: focuses on firms that have a real interest in locating in an area and are a better indicator of a successful promotion program; there are no guidelines to determine an appropriate number of leads per

organization.

- Number of Qualified Prospects: includes businesses that fit well with the business attraction strategy and are seriously considering investing into the area.

7.2 Measuring the Effectiveness of a Business Starts, Retention and Expansion Program

Business retention and expansion programs are a fundamental aspect of economic development work. If a community's businesses are strong and providing jobs most of the economic development organization's larger social, economic and community objectives can be achieved.

There are three primary reasons supporting existing businesses is a critical factor to longer-term economic development success.

1. The vast majority of growth comes from existing businesses and expansions.
2. The competitor communities are becoming increasingly aggressive in their attraction efforts, which means that an area's existing business base is being targeted in an attempt to lure businesses away; and
3. Communities that cannot effectively meet the needs of their existing business base are not as likely to attract new businesses.

Many economic development agencies make an aggressive effort to learn about problems before companies consider leaving. Pro-active contact systems are now being developed to learn about company problems before they reach a critical phase. The initial step for most organizations is to conduct a survey as a diagnostic tool to understand company plans for the future. Organizations usually strive to target companies that are most at risk or are the most important economic actors in their jurisdictions.

7.2.1 Economic Benefits

- Number of new business licenses
- Number of companies that have expanded
- Number of retained companies
- Number of jobs
- Total investment in a community

7.2.2 Organizational Efficiency

- Number of business visits
- Number of companies assisted
- Number of interviews and surveys conducted

7.3 Measuring the Effectiveness of Tourism Marketing

There are several indirect methods of measuring the impacts of tourism marketing efforts. The number of responses to the 800 telephone line, or number of hits on the website directly following a marketing event or advertisement will indicate the amount of interest originally generated. Statistic from various events and sites can be compared to previous trends and other communities to determine variances. Rubber tire tourism is

subject to weather patterns and attendance is not always true indicator of the effectiveness of marketing efforts. Therefore long-term patterns are often used to gauge response, unfortunately this does not identify which particular promotion is the most effective.

8 OTHER PROJECTS

There are numerous other projects that have been identified to be looked at some point in the future. This following list is not exhaustive but time and resources do not foresee many of these projects to be pursued during the timeframes identified in this Action Plan, unless there is a change in priorities and resources.

- Air Passenger Service
- Air Show
- Alberta Government 500 Million High Tech Investment Fund
- Bitumen Highway and Connector
- Business Prospecting
- Cold Lake Technology Development Association
- Commercial Space Inventory Database
- Commercial Leakage Study
- * Communications
- Community Investment Support Program
- * Convention Attraction Program
- Corporate Care Program
- Developers Data Base
- * Ft McMurray Opportunities
- Golf Tour Package
- Highway Signage
- Incubator Mall
- Industrial Park
- Lakeshore Business Development
- Land Sales
- Marina Expansion
- MD/Bonnyville Tourism Partnership – Wings & Water
- MDS Aerospace
- Museum
- * Sport Tourism Development
- * Tourism Radio
- * Tourism Infrastructure & Capacity Study
- Trade Initiatives AETE
- Trade Shows
- * Website Maintenance
- Unmanned Air Vehicles UAV's

9 REFERENCES

Goldberg, Michael (1998), *The British Columbia Economy into the Millennium: Perspectives and Possibilities*, (Vancouver, BC: The University of British Columbia).

APPENDIX A - SWOT

The following list of Strengths, Weaknesses, Opportunities, and Threats are presented as collected during the public consultation meeting held in May and June. The number in brackets refers to the number of groups that identified a particular item. There were 6 groups.

Identified **Strengths** of the Community of Cold Lake

Business & Industry

Diverse Shopping (4)	Farming
Big Box Stores (3)	Fish Hatchery
Economic Base strong (military & oil) (2)	Flight to Calgary (schedule Air Services)
Airports (2)	Human Resources
Chamber - strong (2)	Imperial Park
Enormous Potential (2)	Job Market Good
Space (room) for expansion (2)	Little Shops
Tim Horton's / McDonalds (2)	Media Exposure /Award Winning Paper
Food Service (2)	Oilfield Resource
Industry - oil (2)	Parking downtown - good
AETE	Rona
Agricultural ties strong	Size (demographics, potential for growth)
Business Climate - great	Skilled Workforce
Development	Trading Area - large
Economy Good	Travelling Rx services

Recreation & Tourism

Recreation - lots of (6)	Athletic Community
Lake & Parks (by lake) (6)	Global experience
Marina (5)	Good off roading (ATV)
Millennium Trail (5)	Hunting Great
Tourist attraction(4 wing, lakeshore, marine) (3)	Info (tourism)
Fishing Good (3)	Kids Parks
Maple Flag (2)	Not winter - summer (all 2 weeks)
Wild life (2)	Outdoors
Winter Activities (2)	Rinks
Ski Hill (2)	Rodeo
Agplex, JJ Parr (2)	Snowmobile Trail in Town
Beaches (2)	Swimming Pool
Parks Camping (MD & Prov.) (2)	Tourism (fish hatchery)
Bird watching (2)	Variety of things to do (social)
Campgrounds / trailer parks (2)	X-Country Trails
Activities/Events	

People & Community

Diversity (Culture, Language) (6)	Healthy
Diverse Religious Community (4)	Highly Educated Population
Clubs & Associations (4)	History
Base (3)	Isolation
Safe (3)	Legion
Volunteer Base Good (3)	Natural Beauty (lakes)
Young Population (3)	Nature
Friendly (2)	New Council
Ag. Society Strong (2)	Not Flat
Age Diversity (2)	Opportunity for Community Involvement
Artistic Community, performing arts (2)	People
Natural Resources (Water, Forest) (2)	Quality of Life
Active	Retirement Area
Caring	Services Available (lots of) for single parents
Clean / Environment	Small Town Atmosphere
Community Involvement	Social Services
Community Spirit	Transiency (fresh ideas)
Cosmopolitan Population (turn over healthy)	Unique City Gate
Growing Community	Welcoming Community

Community Facilities

Expanded Education - college (5)
 Hospital - health services (5)
 Schools (variety) (3)
 Libraries (2)
 Access to Facilities
 Aux. Hospital
 City Info Ctr.

Courthouse
 Facilities (library etc.)
 Health Clinic
 Long Term Care
 New Education Facilities
 Senior Centres (two)
 Seniors Lodge

Misc. Identified Strength

New Council good (new ideas etc.) (2)
 Water - best in Canada (2)
 City Promotion

Green Space
 Housing - Reasonable
 Trees

Transportation

Hwy Access
 Roadways into the Community – good

Identified Weaknesses of the Community of Cold Lake**Business & Industry**

Labour Force - lack of (5)
 Affordable housing - lack of (4)
 Air Services - lack of (2)
 Airport & services (2)
 Industrial Park (2)
 Low Income & Senior's Housing (2)
 Marina too small / Full Marina (2)
 Access to skilled tradesmen -lack of
 Accommodation - Maple Flag
 Affluence \$\$\$ - lack of
 Base Controls
 Beautification of outside of buildings - lack of
 Business in C.L.N. - lack of
 Clothing Stores (men's/ladies)
 Cottage Industry - lack of
 Customer service - poor
 Diverse Retail
 Downtown Facilities - few
 Economical Services - lack of
 Expensive Housing & Food
 High Density Housing - lack of
 Highly Skilled Jobs - lack of
 Industry - Aerospace - lack of
 Industry / commercial tax base - lack of

Liquor Stores & Bars - too many
 Low Rental Properties
 Music Store / Equipment
 No Costco
 No guidelines for development
 Real estate increase in market value
 Rental Properties
 Rental Vacancy Rate (low) - low income
 Restaurants - lack of good
 Retail all in C.L. South
 Serviced Industrial Park - none
 Single Business Voice
 Small Opportunity for Capitol Investment
 Specialized Dental services - lack of
 Specialized medical services - lack of
 Specialty Shops
 Sport Shopping
 Taxi's - lack of
 Trade Schools - lack of
 Ugly Downtown
 Waterfront Parking
 Waterfront Usage / development
 Youth Jobs - lack of

Community Related

Transient Community (leads to apathy) (3)
 Design & Planning - poor (2)
 Infrastructure (roads/sewer) - poor & old (2)
 Infrastructure (sewer & water) - lack of (2)
 Isolation (2)
 North & South - Distance between (2)
 North & South Rivalry & Medley & First Nations (2)
 Soft crime increasing & Drug use (2)
 Youth Activities (teen ctr, art facilities - besides sports)(2)
 Community / Heritage Fund
 Community Apathy
 Community Identity - lack of
 Community Official Plan - lack of
 Co-ordination of community events - lack of

Decision Making on Council - lack of
 Doctors (general& specialized) - shortage
 End of the Road
 Handicap Access
 High Utilities
 Lack of money for facilities
 Location - end of highway
 Major Medical - distance for
 Medical Services
 Medical Tests
 Military / Community Understanding
 Military vs. Community
 No Sense of Community (whole)
 Not many seniors

Partnerships & Cooperation - lack of
 Poor Community Representation by Council
 Poor Water/Sewer to First Nations
 Road & Sidewalk Clearing
 Sidewalks (curb access) - lack of
 Too many ATV (town)

Marketing & Tourism

Destination
 Marketing (tourism, Lake, activities) - lack of
 Poor Promotion of Community Events
 Tourist attractions (lake/advertise) - more

Transportation Weaknesses

Dangerous goods route - lack of (3)
 Efficient Public Transit (3)
 Roads - lack of good (2)
 Transportation - lack of (2)
 Dangerous Intersections
 Highway Access (poor)

Rec. & Community Facilities

Access to Rec. Facilities
 Activities for Youth
 Arena State Deterioration
 Child Care Facility - lack of
 City Assets are aging
 Duplication Local Services (libraries)

Misc. Identified Weaknesses

Climate (3)
 Post Secondary Education - lack of (2)
 Noise from jets
 Not accentuating natural beauty (ugly little houses)

Under Utilization of Ethnic Diversity
 Unity - lack of
 Vision - lack of
 Volunteerism - lack of
 Zoning (commercial/residential/industrial)

Tourist Development - lack of
 Downtown Advertising / revitalizing continues
 Communication - lack of

Highways - high volume / single lane
 Signage from Lloyd. To C.L. - none
 Transportation (economical)
 Transportation (within community)
 Transportation to outside

Green Space vs. Development
 Modern Rec. Infrastructure (besides base)
 Not Adequate Sports Ties
 Seniors Facilities Lacking
 Seniors Lodge - aging

Policing - increased crime
 Policing Manpower - lack of
 Weak Secondary Education

Identified Opportunities of the Community of Cold Lake

Business & Industry

Aerospace Industry (6)
 Cottage Industry (3)
 Low Income Housing (3)
 Marina Expansion (2)
 Expansion of Imperial Park (2)
 Regional Airport - improve (2)
 Air Services (2)
 Serviced Industrial Park (2)
 Water Marketing (2)
 Ag. Sector / Diversify
 Attraction of new contractors & developer
 B. & B. - more
 Business - huge potential
 Business Development
 CLFN Casino
 Conference Centre (retreat)
 Downtown Revitalization

Economic Development Opp. (1st Nation/MD/City)
 Educated Workforce
 High Density Housing
 High Skilled Job Sector - develop
 Industrial Base
 More Retail Business - London Drugs
 Natural Health Facilities / Services (Spa)
 Oilfield Service Industry encourage within city limits
 Outside Investment (domestic & foreign)
 Recycling Program - pick up system - restarting
 Retail Expansion
 Room for Commercial Development
 Smoke Free Pool Hall - make it!
 T.V. Station (media coverage)
 Training in oil & gas; medical
 Workforce

Community Related

Community Strategic Plan (rec., city services, social services) (4)
 Arts & Culture Facility (2)
 Build Community Pride (2)
 New better bigger fancier Seniors Centres (2)
 Tax Base Increased (2)

Artisans Community
 Build a Beautiful Community w/ Design Excellence
 City Transit
 Cooperation Service Groups
 Cooperative Transportation
 Dangerous Goods Route

Develop a strong community Identity
 Economic Diversity to Attract People
 Entertainment - variety of
 Equitable Revenue Sharing with MD
 Guidelines & Planning now to unify the area
 Identify ourselves as a Community
 Implementation of "Cause Report"
 Innovative Partnership
 Jericho Youth Centre

Marketing & Promotion

Communication & Marketing / current activities - increase (3)
 International Exposure (2)
 Expand Tourism - better advertising & diversification
 Maple Flag - reach international

Rec. & Tourism Related

Tourism Increased (3)
 Bike/Camping around Lake
 Cabins on Lake
 College Hockey Team
 Rec. Opportunities
 Sea wall at Marina - expansion

Misc. Identified Opportunity

Annex outlying population
 Attract Medical Services
 Expansion of Post Secondary Facilities
 Federal Cooperation
 Highways & Roads - new
 Improve Visibility of Intersection
 Military Expansive
 New Schools

Library Amalgamation
 Lots of room for expansion between C.L. North-South
 Multi-Cultural Society & Programs - develop
 Music Festivals
 Partnership - benefits
 Partnership with CLFN
 Regional Economic Development
 Streamline 4 communities into 1
 Youth Services

Marketing of Marina & Lake & all natural attractions
 Meadow Lake Prov. Park
 Opportunity to be known as "Jewel" of the Northeast
 Partner with NW Sask. Tourism

Sports Development
 Tourism Budget - expand
 Tourism Growth Winter & Summer Activity
 Waterfront usage improved
 Waterslide into Lake
 Youth Facilities - better

Political Involvement - Fed/Prov
 Post Secondary Education
 Post Secondary Facility & Expand Existing Programs
 Reduce Crime
 Richest community in Canada
 Split M.D.
 Twinning of Highway

Identified Threats of the Community of Cold Lake

Economic & Business

Increasing Price of Housing (3)
 Increased Cost Living (housing, utilities) (2)
 Low Rental Property -lack of availability (2)
 Medical / Social / Mental Services - lack of (2)
 Diversity (commercial/retail) lack of (2)
 Labour Shortage (2)
 Boom/bust oil (2)
 4-Wing in Hotel Business
 Affordable and High Density housing
 Business Pride - lack of
 Business Street Appeal - lack of
 Casino (increase social services; alcohol abuse; domestic violence)
 Closure of 4-Wing
 Commercial Property becoming unaffordable
 Cost of Utilities
 Crash of Housing Market
 Customer service
 Defence Spending Cuts Perceived
 Doctors & Specialists - lack of
 Economic dependency
 Existence of Base Housing
 Fixation on Expanding Box Stores
 Ft. McMurray Syndrome

Hospitality Industry gouging
 Imbalance of large box stores
 Increasing Wages in Oil field
 Industrial Development (base) - lacking
 Lack of Service Industry Employees
 Liquor Stores - too many
 Maple Flag vs. 1st Nations
 Military Cuts
 Oil reserves depleted (future generations)
 Oil Slump
 Outside Attractions
 Over fishing
 Peace Air stops
 Possible site of Casino
 Price of Oil both up & down
 Real-estate Market Bust
 Scheduled Air Service - lack of
 Serviced Industrial Park - lack of
 Skilled Trade workforce - lack of
 Support for small business - lack of
 Undesirable Businesses increasing
 Volatility in the energy sector
 Workers / quality - lack of

Municipal Planning

Long Term Plan/Vision - lack of (5)
 Breakdown of Relationships
 Change in Council / administration Perceived threat
 Cold Lake Awareness - lack of
 Communication - lack of
 Community Plan/Vision - lack of
 Decision making process - lack of or too lengthy
 Environmental Impacts (closure of landfill 2008;
 no recycling; pollution; water)
 Image Portrayed
 Inadequate Snow Removal hinders travel
 Infrastructure Deterioration
 Large Scale Planned Subdivision - lack of
 MD of BV favours Bonnyville - lack of cooperation

Money in City - none
 Need for Control
 Poor Roads / systems / D.G.route
 Relationships (city/base/1st nations)
 Retirement Facilities - lack of
 Shore line use
 Strong Leadership - lack of
 Sustainable Infrastructure
 Tax Base - lack of
 Tax Increase
 Transportation (infrastructure / Airport) - lack of
 Transportation (local & affordable)
 Urban Sprawl
 Youth Facilities - lack of (crime / drugs)

People & Community

Small town mentality (2)
 Apathy in Community (2)
 Community Involvement - lack of (2)
 Aging Population
 Citizens not willing to pay for what they want
 Community Pride - lack of
 Cooperation - lack of
 Facility access (youth / seniors)
 Fear of the unknown
 Individual Citizen Accountability
 Keeping Revenue in the Community
 Low Senior Population
 Negative Reporting
 NIMBY
 No voice in Prov/Fed. Or local Municipal Politics

North - South Feuding
 Not taking advantage of what we have
 Panhandling vagrancies
 Parents not being parents
 Political Representation - lack of
 Pride in Community - lack of
 Public & Political Apathy
 Reaction to Change
 Status Quo
 Tolerance for different groups - lack of
 Too much talk too little walk
 Transient Community
 Transient Mentality
 Unity - lack of (drive apart)
 Youth Entertainment - lack of

Misc. Related Threats

Drugs / Criminal Activity (5)
 Finances from Higher Gov't (3)
 Post Secondary - lack of (youth leave) (2)
 Air / Bus Transportation
 Competition of outside communities
 Destruction of natural beauty
 Funding - lack of
 Gov't Change Policies for medical
 Gov't Sending

Level of care in seniors facilities
 Location (end of the road)
 Low Funding for Seniors
 Major Centre - distance from
 Name of City
 Policing - lack of
 Unable to control water quality in Lake
 Weather



STAFF REPORT

Title: Fischer Strom Water Pond - Environmental Approvals

Meeting Date: March 19, 2019

Executive Summary:

This report provides the latest update on the status of the regulatory approval required for the construction of Fischer Strom Water Pond.

Background:

Fischer Storm Water Management Facility (SWMF) construction was initiated in 2006 through Joint Venture (JV) partnership between City of Cold Lake and Developers. Council is aware of the long history of this project and various hurdles it faced including federal and provincial regulatory approvals.

As part of the approval process and to response landowner ship issues with the crown, a land exchange was to happen between Province and JV group. The process for land exchange was initiated in 2016 with AEP issuing Letter of Intent on March 9, 2016 which was agreed to be effective April 16, 2016. AEP confirmed that the legal survey of land has been prepared and the next step is to prepare a formal offer and signed by all parties. This was communicated through an email on April 10, 2018, (nearly 2 years later).

Since then several inquiries were made to the office of Approvals and Disposition Service but unfortunately no outcome so far. The processing delay resulted in multiple joint venture parties leaving the project and additional costs to redesign the SWMF in order to keep the project moving for the remaining parties. The City of Cold Lake has now modified the JV agreement and is successful in bringing all parties to the table. Currently all the original parties are back and committed to completing the Fischer Pond Project to the original design to accommodate the growth in our community.

Due to the fact that the engineering consultant has become so frustrated with AEP, the City of Cold Lake contacted the office of Approvals and Disposition Service directly on Feb 5, 2019 (another year later) and was advised that they will provide an update in one month. We requested for an update on March 12, 2019 and were advised that some sort of progress was made but again failed to suggest completion timelines and hinted to further next steps (which is concerning).

It should also be noted that the Water Act approval granted by AEP for the construction of this Storm Water Management Facility will expire on March 23, 2019 (This month).



Despite having AEP's environmental approvals, the project could not proceed in any configuration due to the hold up from the AEP's Approvals and Disposition Service. An extension request for 24 months was sent to AEP on Feb 8, 2019. This is an added hurdle to many others due to delay in the land exchange by AEP.

Administration is of the opinion that the City of Cold Lake write a letter to Minister advising on the issue and request assistance to expedite the process.

Alternatives:

Committee may choose to take this report as information only and wait for Alberta Environment and Parks response.

Recommended Action:

Administration recommends that the Committee recommend that Council write a letter to the Minister advising on the issue and request assistance to expedite the process

Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer

Our File: PLS 080029

March 9, 2016

C.A. Fischer Lumber Company
c/o Mr. Marinus Scheffer, M.Sc. P.Eng.
Scheffer Andrew Ltd.
12204 – 145 Street
Edmonton, AB, T5L 4V7

Dear Mr. Scheffer,

RE: Application No. PLS 080029
Public Land: pt. SE 34-62-2-W4M (acreage to be determined)
Freehold Land: pt. SE 34-62-2-W4M (acreage to be determined)

Further to the meeting on December 7, 2015, amongst yourself, the City of Cold Lake, and Alberta Environment and Parks ("AEP") and your application for a land transfer (dated April 11, 2008), AEP will proceed with your application on the following terms and conditions.

To recap, the material details of this transaction are:

- C.A. Fischer Lumber Co. Ltd. is the registered title holder of W4-2-62-34 SE being approximately 58 ha/143 ac (the "Fischer Title").
- City of Cold Lake is the registered title holder of Plan 8721406, Block 3, Lot 1PUL being approximately 1.94 ha/4.79 acres (the "Cold Lake Title").
- AEP is the title holder of the bed and shore of the pond located on the Fischer and Cold Lake Titles. AEP acknowledges the boundaries of the bed and shore at the lands of the Fischer Title are to be those established as the wetland boundary based on 1971 and 1977 aerial photos. The wetland boundary accepted by AEP is represented by the green line on the attached Appendix "A".
- The City of Cold Lake has received federal, provincial and municipal approval for the development of the pond within the lands of the Fischer and Cold Lake Titles into a storm water management facility ("SWMF").

In order to facilitate the development of the public SWMF, AEP seeks to acquire 1.89 ha/4.67 ac of dry land along the west wetland boundary of the pond. In exchange, AEP is willing to relinquish its claim to an equivalent area within the bed and shore along the east side of the pond. AEP continues to affirm its claim to the remainder of the bed and shore, being approximately 6.9 hectares, within the Fischer title.

Provided the City of Cold Lake agrees to transfer the lands represented by the Cold Lake Title to AEP on terms and conditions acceptable to AEP as a condition precedent to this transaction, AEP will agree to the following terms and conditions:

1. C.A. Fischer Lumber Co. Ltd. ("Fischer") will prepare, at its cost, a plan of survey within the Fischer lands for that area outlined in pink on the attached Appendix "A", which shall include the following details:

- a. The survey plan will include not less than 1.89 hectares of "dry" land as identified in blue (excluding the cross-hatched area) on Appendix "A" (the "West Lands") and 6.91 hectares of bed and shore;
- b. the shoreline boundary (indicated in green on Appendix "A"), to be indicated on the survey plan, will be the wetland boundary base as identified on 1971 and 1977 aerial photos (including the two "dog legs");

the plan of survey must be approved by AEP in advance and by the subdivision authority, and registerable at the Land Titles Office.

2. Fischer will prepare, at its cost, a plan of survey within the Fischer lands for that area outlined in orange on Appendix "A", which shall include the following details:
 - a. The survey plan will include not more than 2.23 hectares of bed and shore plus the area required for municipal reserve (0.51 hectares) as identified in pale pink (excluding the cross-hatched area) on Appendix "A" (the "East Lands");
 - b. The shoreline boundary (indicated by a heavy black line on Appendix "A"), to be indicated as a fixed boundary on the survey plan, will be established with the agreement of AEP;
 - c. The "former" shoreline boundary (indicated in green on Appendix "A"), also to be indicated on the survey plan, will be the wetland boundary base identified on 1971 and 1977 aerial photos; and

the plan of survey must be approved by AEP in advance and by the subdivision authority, and registerable at the Land Titles Office.

Please have your surveyor submit a copy of the final plans in PDF format to Dale.Schesnuk@gov.ab.ca (Dale Schesnuk, Geomatics Technologist, Survey & Technical Service Branch, telephone: 780-415-4606) to obtain AEP's approval prior to registration.

3. Fischer agrees to transfer to AEP the West Lands (1.89 ha) in exchange for AEP surrendering its interest in the East Lands (2.23 ha) plus the municipal reserve (0.51 ha). AEP will relinquish its interest in the East Lands and municipal reserve by quit claim, which will form part of the consideration under the transfer of land for the West Lands.
4. AEP acknowledges that the Cold Lake Title includes 0.34 hectares of land. Provided the City of Cold Lake transfers the Cold Lake lands to AEP for a nominal sum, free and clear of all encumbrances, the Cold Lake lands will be considered as part of the exchange represented by this transaction.
5. Fischer will transfer the West Lands to AEP, free and clear of all encumbrances, except for those which AEP has agreed to accept in writing (the "permitted encumbrances"). The consideration paid will be \$1.00 plus the value of the lands represented by the quit claim referred to in paragraph 3. (As of the date of this letter, the following encumbrances must be removed from the lands to be titled to AEP:
 - a. #752 147 585
 - b. #912 293 546
 - c. #102 002 577
6. In consideration of AEP quit claiming its title to the East Lands, Fischer hereby consents to AEP registering first on Fischer's Title the following caveats (to be prepared and registered at the sole cost of AEP):
 - a. A flood hazard caveat notifying the public that the Government of Alberta is not liable for any geotechnical, flooding or water damage arising from any use of the East Lands; and
 - b. A caveat permitting the owner to restore the shoreline to the surveyed location.

7. On or about the transfer of title of the West Lands to AEP, Fischer will apply to cancel DLO 070850. Upon the transfer of both the Fischer and Cold Lake titles to AEP, AEP intends to consolidate the titles and to grant permission to Cold Lake to use the lands for the SWMF in due course upon application for a disposition (department licence of occupation) from Cold Lake.
8. Other terms:
 - a. There will be no change to the access to the West Lands from 40th Avenue as indicated on Appendix "A".
 - b. The appraised value of both the East Lands and the West Lands has been determined to be \$17,500 per acre. Once the final survey plans have been submitted to AEP, a final determination of acreage will be done for both the East Lands and the West Lands. Fischer will pay the difference if the value of the East Lands is greater than the value of the West Lands. AEP does not pay if there is an overage on the value of the lands that are being acquired by the Province.
9. Upon acceptance of this letter by Fischer and the approval of the final plans of survey by AEP, AEP will provide an offer to purchase agreement for the West Lands in accordance with this letter.

If you are in agreement with the foregoing terms, please advise AEP (to the attention of Lori Havanka) of your agreement in writing no later than April 1, 2016 by signing below. If you are not in agreement, or do not return a signed copy of this letter, AEP will cancel your application.

Sincerely,

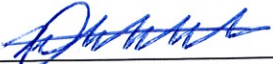


Lori Havanka
Provincial Approvals
Land Approvals Dispositions
Sales Unit

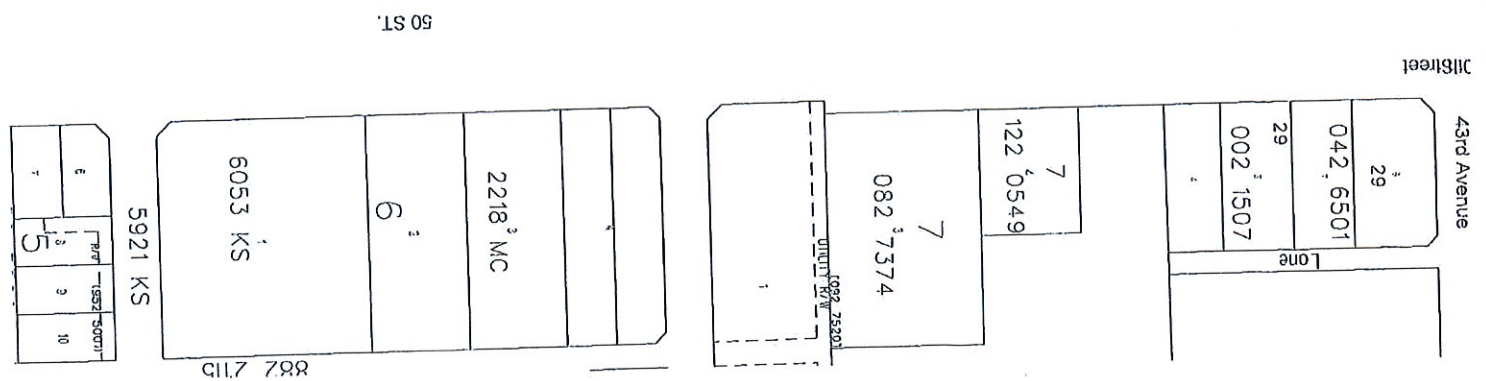
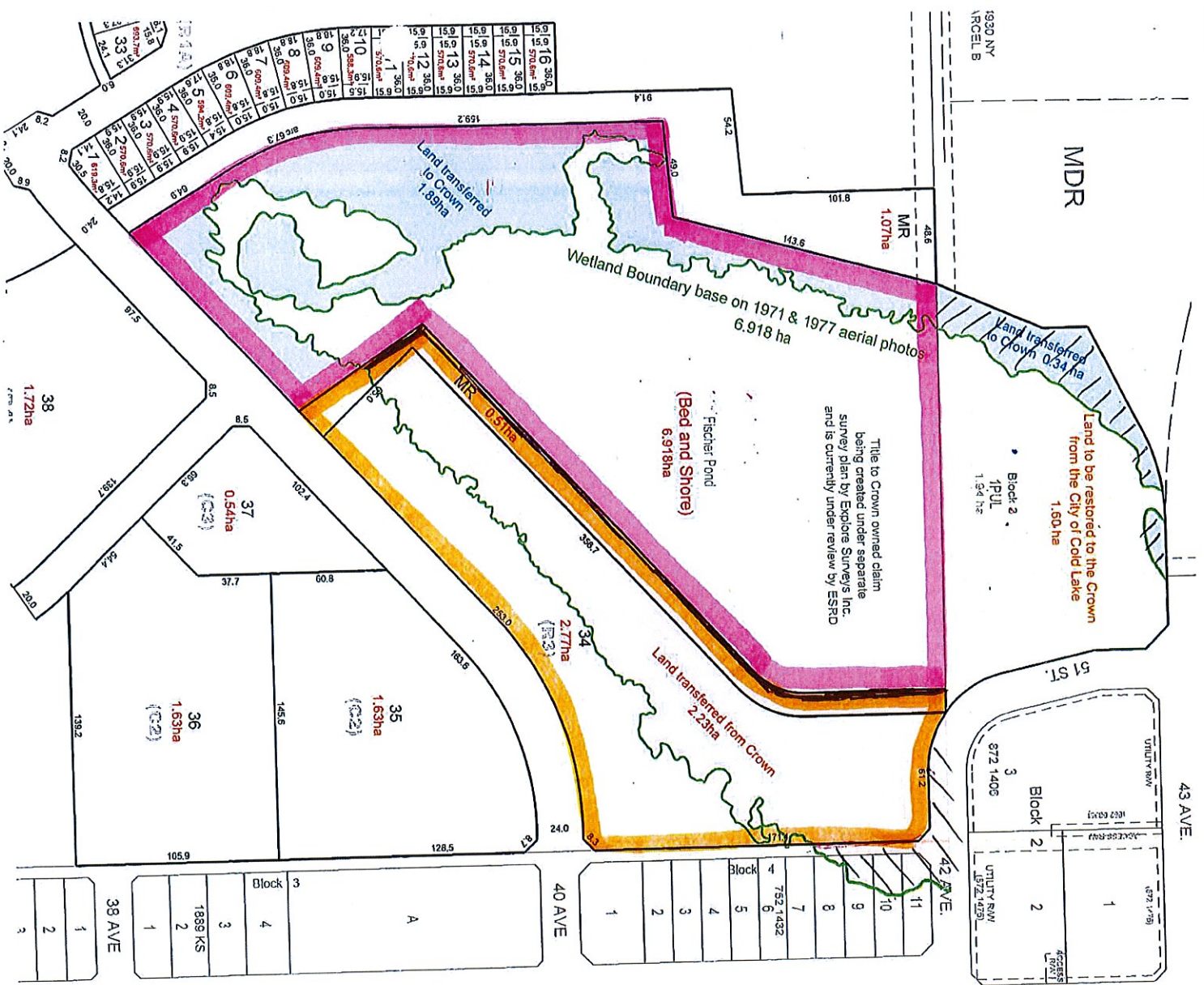
c.c. Land Use – William Black
City of Cold Lake

The terms of this letter are accepted by C.A. Fischer Lumber Company

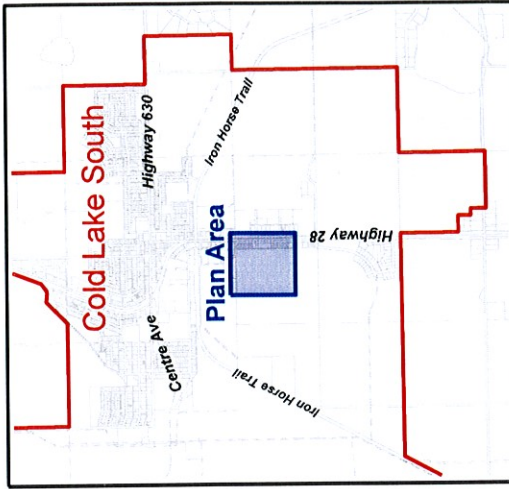
C.A. Fischer Lumber Company

Per: 
Name: David Van Meter

April 15/2016
Date:



Appendix 1



Location Plan : Not to Scale

**PROPOSED SUBDIVISION
FISCHER ESTATES**
Portion of SE 34-62-2-W4
CITY OF COLD LAKE

SUBDIVISION BOUNDARY CONTAINING APPROX. 14.1ha
AND 33 R1A, 1 R3, 1 R4, 2 C2, 1 C3, & 2 MR LOTS
1:30000
July 3, 2015
47760549-10.dgn





APPROVAL

PROVINCE OF ALBERTA

WATER ACT, R.S.A. 2000, c. W-3, as amended

APPROVAL NO.: 00380658-00-00

FILE NO.: 00239237

WATERBODY: Wetland

ACTIVITY LOCATION: E ½ 34-062-02-W4

EFFECTIVE DATE: March 24, 2017


EXPIRY DATE: March 23, 2019

APPROVAL HOLDER: C.A. Fischer Lumber Co. Ltd.

Pursuant to the Water Act, R.S.A. 2000, c. W-3, as amended, an Approval is issued to the Approval Holder for the following activity:

disturbing (filling-in) 11.23 hectares of wetland;

subject to the attached terms and conditions.

Designated Director under the Act: 
Michael Lapointe, P.Eng.
Approvals Manager

Date Signed: March 24, 2017

DEFINITIONS

- 1.0 All definitions from the Act and the Regulations apply except where expressly defined in this Approval.
- 1.1 In all parts of this Approval:
- (a) "Act" means the Water Act, RSA 2000, c. W-3, as amended;
 - (b) "Director" means an employee of the Government of Alberta designated as a Director under the Act; and
 - (c) "Regulations" means the regulations, as amended, enacted under the authority of the Act.

GENERAL

- 2.0 The Approval Holder shall immediately report to the Director by telephone, any contravention of the terms and conditions of this Approval at (780) 422-4505.
- 2.1 The terms and conditions of this Approval are severable. If any term or condition of this Approval is held invalid, the application of such term or condition to other circumstances and the remainder of this Approval shall not be affected thereby.
- 2.2 The Approval Holder shall retain a copy of:
- (a) this Approval; and
 - (b) the reports referred to in Section 3.1
- at the site of the activity at all times while conducting the activity.

PARTICULARS

- 3.0 This Approval is appurtenant to the undertaking described as disturbing (filling-in) a wetland located at E ½ 34-062-02-W4, as shown in Report No.00239237-R001 and 00239237-R002.
- 3.1 The Approval Holder shall undertake the activity in accordance with the following reports:

TITLE	AENV NUMBER
Report: Alberta Environment File Reference 00239237, Supplemental Information for an application pursuant to the Alberta Water Act to disturb an unnamed wetland, Section 34-62-2-W4M (Cold Lake, Alberta), prepared by Spencer Environmental Management Services Ltd. dated February 4, 2015.	00239237-R001

TITLE	AEP NUMBER
Report: Assessment of a Wetland on Section 34-062-02-W4M (Cold Lake Alberta) and a Compensation Plan to Mitigate Wetland Loss, prepared by Spencer Environmental Management Services Ltd. Edmonton., Alberta, dated March 2007.	00239237-R002

- 3.2 The Approval Holder shall not undertake the activity in any manner or use any material that causes or may cause an adverse effect on the aquatic environment, human health or public safety.
- 3.3 The Approval Holder shall not release water affected by the activity to any water body unless the quality of water is equal to or better than the quality of water in the receiving water body.

SILTATION AND EROSION CONTROL

- 4.0 The Approval Holder shall minimize:
- (a) siltation; and
 - (b) erosion
- of the water body as a result of this activity.

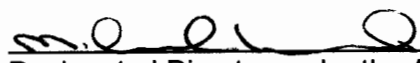
WETLAND COMPENSATION

- 5.0 The Approval Holder shall provide compensation for the loss of wetland as stipulated in the agreement dated November 21, 2016 and titled 'Wetland Loss Compensation - Fisher Lumber SWMF', such that the Approval Holder shall pay financial compensation to Ducks Unlimited Canada.
- 5.1 Within 90 days from the date of issue of this approval, the Approval Holder shall provide to the Director written confirmation from Ducks Unlimited Canada, that the compensation has been received.

CERTIFICATE OF COMPLETION

- 6.0 A Certificate of Completion is not required for this activity.

Date Signed: March 27, 2017


Designated Director under the Act
Michael Lapointe, P.Eng.



STAFF REPORT

Title: Downtown Commercial Area Parking

Meeting Date: November 19, 2018

Executive Summary:

Administration was requested to host an open house for the downtown business community to discuss options to address parking requirements for downtown businesses. A summary of the feedback and suggestions for moving forward are provided.

Background:

Administration was requested to host an open house for the downtown business community in response to concerns regarding the off-street parking requirements for new or expanded businesses within the downtown area. An open house was held on February 6, 2019 at the Best Western Hotel from 3:00pm-6:30pm. Invitations were mailed to all property owners, hand-delivered to most downtown businesses, and sent via email by the Chamber of Commerce to its members. A total of 12 persons attended.

The open house presented four options for moving forward, ranging from most prescriptive to least prescriptive, and based on approaches used in other communities. The options are summarized below:

Option 1: Maintain the Status Quo

- Under this option, new or expanded businesses in the downtown would continue to be required to provide the same amount of on-site parking as businesses in other parts of the City
- Advantages:
 - Keeps parking requirements consistent for all businesses throughout the City, regardless of location
 - Reduces pressure on on-street parking to accommodate demand
- Disadvantages:
 - Businesses in the downtown typically do not have land available to provide additional parking
 - May make the downtown area less attractive for new businesses or business expansion



Option 2: Blanket Parking Reduction for Downtown Businesses

- Under this option, new or expanded businesses in the downtown would be required to provide a reduced amount of on-site parking as compared to businesses in other parts of the City. In other communities, such a reduction in parking requirements range between 30%-60%.
- Advantages:
 - Reduces the requirement to provide on-site parking, which may make the downtown more attractive to new businesses
 - Reduces a potential barrier for existing businesses wishing to expand
- Disadvantages:
 - May put increased pressure on on-street parking
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown

Option 3: Vary Parking Requirements Based on Business Scale

- Under this option, reduction of on-site parking requirements would be based on the size of the business; so smaller businesses that have less impact on parking have a lower requirement, while larger businesses, that potentially have a bigger impact, would be required to provide more parking.
- Advantages:
 - Reduces the requirement to provide on-site parking, which may make the downtown more attractive to new businesses
 - Reduces a potential barrier for existing businesses wishing to expand
- Disadvantages:
 - May put increased pressure on on-street parking
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown

Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

- Under this option, new or expanded businesses in the downtown would not be required to provide any on-site parking
- Advantages:
 - Removes a barrier to locating new or expanded businesses in the downtown area



- May make some developments viable in the downtown that would not be otherwise
- Easy to administer
- Disadvantages:
 - On-street parking would need to accommodate all demand
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown
 - Shifts the responsibility to provide parking from the business owner to the City

Based on the discussions with attendees and the feedback received, it appears that a less-prescriptive approach was desired, with Option 4 being the most preferred and Option 3 as the second choice. Several other questions were posed in the survey:

Question 2: Do you think stricter enforcement of the existing two-hour parking time limit would help improve the parking situation in the downtown?

Yes: 9% No: 91%

Question 3: Do you think developing the spaces behind downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the downtown?

Yes: 90% No: 10%

Question 4: Should the City invest in additional off-street parking in the downtown?

Yes: 82% No: 18%

Moving Forward

Administration recognizes the challenges that new or expanded businesses in the downtown area face in meeting the current parking requirements of the Land Use Bylaw. Downtown areas are not designed or intended to accommodate large volumes of vehicle traffic or parking. Administration would, therefore, recommend that the Land Use Bylaw be amended to eliminate on-site parking requirements for small-to-medium sized businesses, but that some requirements remain in place to guard against unintended consequences.

In other communities that have reduced or eliminated parking requirements in their downtown, Administration has observed some limitations:



- Many downtowns, including Cold Lake, have provisions allowing for mixed commercial/residential developments. In these cases parking is still required for the residential component of the development, as the residents would have no other alternative, other than to park on the street if on-site parking was not provided.
- Some communities list specific uses for which parking will still be required, typically those that will have a particularly high parking demand.
- In some cases, the elimination of parking is tied to the size or capacity of the business, either floor area or seating capacity. Administration has observed a cut off in the 930m²-1,850m² (10,000ft²-20,000ft²) range. The intent is to ensure that larger businesses which will have a significant impact on parking continue to meet a minimum standard while small-to-medium-sized businesses that have a lesser impact do not require parking.

Typically, where a municipality wishes to establish varied regulations within a defined area, particularly where multiple zoning districts are involved, an overlay is created to provide modified requirements within that defined area. Administration recommends that an overlay be created for the defined downtown area and, for consistency, the Lakeshore Commercial Area which would modify/eliminate parking requirements for businesses in these areas. A draft overlay is presented to facilitate discussion.

In the event that the committee wishes to proceed with the creation of an overlay to modify the parking requirements in the downtown and Lakeshore areas, it is recommended that the existing Section 10.9 of the Land Use Bylaw, which currently provides parking exceptions in these areas, be deleted.

Alternatives:

For Discussion.

Recommended Action:

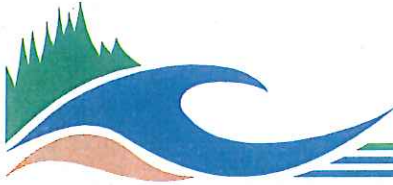
For information.

Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

4 Option 1: Keep on-site parking requirements the same as they are currently
3 Option 2: Blanket Parking Reduction for Downtown Businesses
2 Option 3: Vary Parking Requirements Based on Business Scale
1 Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No *Use the Sewing Store*
4. Should the City invest in additional off-street parking in the downtown? Yes / No
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

*Purchase sewing store as this
end of city is most congested
Turn it into paid parking lot
Close to Banks, Drugstore, Insurance
Tax accountants etc...*



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

_____ Option 1: Keep on-site parking requirements the same as they are currently

_____ Option 2: Blanket Parking Reduction for Downtown Businesses

_____ Option 3: Vary Parking Requirements Based on Business Scale

(Not an option) _____ Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes ☒ No
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes ☒ No
4. Should the City invest in additional off-street parking in the downtown? Yes ☒ No
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

- I THINK UTILIZING THE GRAND CENTRE HOTEL LAND AS DOWNTOWN (PAID) PARKING WOULD HELP.



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

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1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

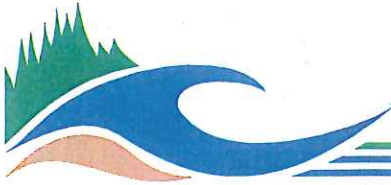
① 1 Option 1: Keep on-site parking requirements the same as they are currently
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2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No
4. Should the City invest in additional off-street parking in the downtown? Yes / No
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

Our business only has one parking spot as we are a tenant in a larger building but we have three employees so two have to park on the street.

Parking spot in back alley. No employee likes using it because of safety concerns. Need vehicles to do job. Bus not an option.

①



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

Not an option
Not an option
2 Option 1: Keep on-site parking requirements the same as they are currently
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2 Option 3: Vary Parking Requirements Based on Business Scale
1 Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes (No)
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes (No)
4. Should the City invest in additional off-street parking in the downtown? Yes (No)
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

THE PRESENT 'LAND USE' BY-LAW HAS RESTRICTED
POTENTIAL BUSINESS DEVELOPMENT IN THE DOWNTOWN
AREA, STIFFENING EXPANSION & NEW OPENINGS.



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

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1 Option 2: Blanket Parking Reduction for Downtown Businesses
2 Option 3: Vary Parking Requirements Based on Business Scale
4 Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No No

3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No maybe because it depends on the owners and the relationship they have with their neighbours

4. Should the City invest in additional off-street parking in the downtown? Yes / No No

5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

downtown businesses have to supply their own garbage dumpsters which uses valuable parking space. It also can be an eye sore having a number of dumpsters in one block. If the city could supply garbage pickup - more space would be available



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

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_____ Option 2: Blanket Parking Reduction for Downtown Businesses
_____ Option 3: Vary Parking Requirements Based on Business Scale
_____ Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes ☒ No

3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No ?

4. Should the City invest in additional off-street parking in the downtown? Yes / ☒ No

5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

LESS RESTRICTIONS - ON ALL -



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

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_____ Option 3: Vary Parking Requirements Based on Business Scale

X Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No

3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No

4. Should the City invest in additional off-street parking in the downtown? Yes / No

5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

Option 4, will create the best downtown we can have. Removing restrictions will allow more business, and promote the construction and sale of existing buildings in the downtown core that ~~will~~ are currently unrentable or un-saleable due to the parking restrictions!

Steve

Concerns: - extra-large buildings e.g. 10,000 sq² + not including parking
- Staff parking.



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

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1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:

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_____ Option 2: Blanket Parking Reduction for Downtown Businesses

_____ Option 3: Vary Parking Requirements Based on Business Scale

☒ Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No

3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No

4. Should the City invest in additional off-street parking in the downtown? Yes / No

5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

~~ELIMINATE~~
FIRST DETERMINE WHAT WE WANT
OUR DOWNTOWN TO LOOK LIKE
THEN WORK PARKING TO THAT PLAN
UNTIL THEN ELIMINATE PARKING
RESTRICTION TO ALLOW FOR DEVELOPMENT
WHAT NEW BUSINESS HAS COME TO
DOWNTOWN? THOSE THAT HAVE HAD SOME
PARKING ISSUES.



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:
4 Option 1: Keep on-site parking requirements the same as they are currently
3 Option 2: Blanket Parking Reduction for Downtown Businesses
2 Option 3: Vary Parking Requirements Based on Business Scale
1 Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses
2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No
4. Should the City invest in additional off-street parking in the downtown? Yes / No
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):



PLANNING AND DEVELOPMENT

OPEN HOUSE FEEDBACK SURVEY

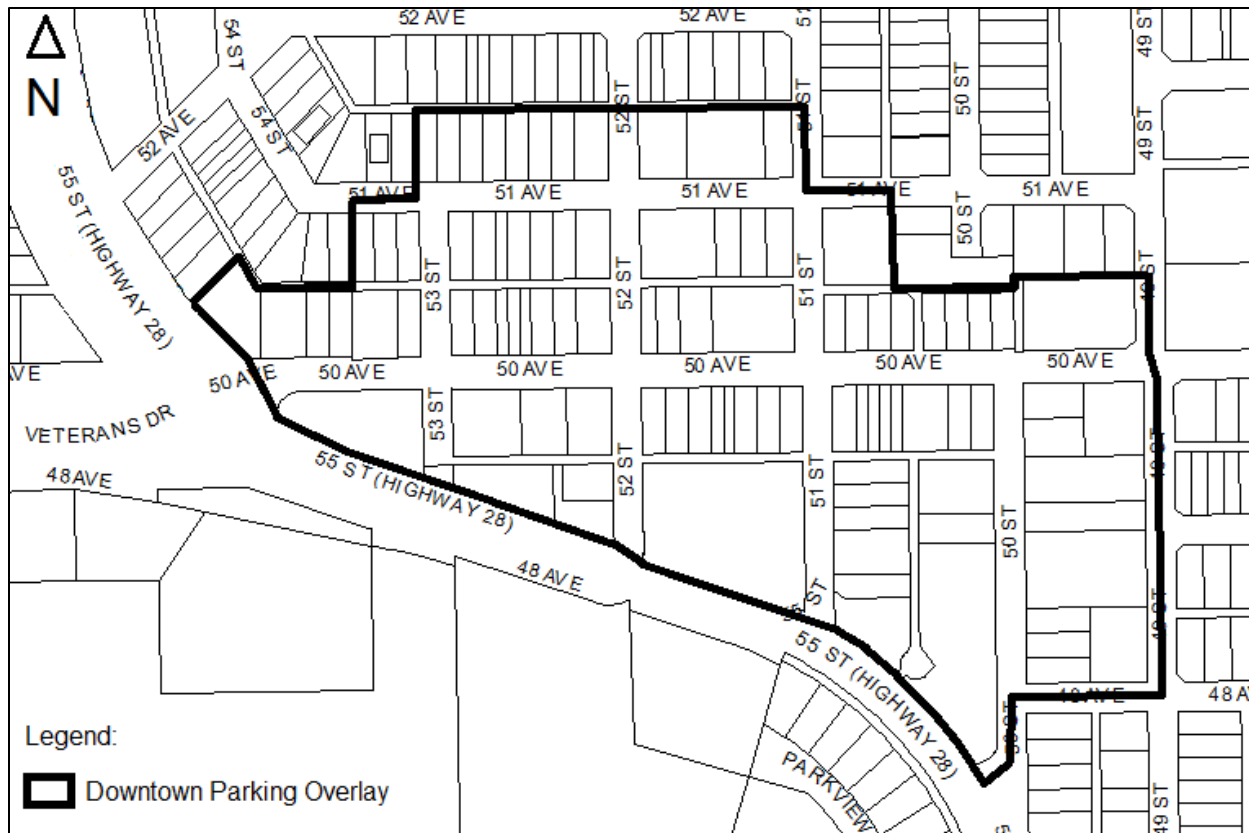
Thank you for attending the open house today. Please take a few minutes to provide us with your feedback regarding the direction you would like to see the City take in relation to on-site parking for businesses in the downtown. Responses will be used to inform future discussions with City Council.

1. Please rank the four options in order of preference, with 1 being your most preferred option and 4 being your least preferred option:
3 Option 1: Keep on-site parking requirements the same as they are currently
1 Option 2: Blanket Parking Reduction for Downtown Businesses
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4 Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses
2. Do you think stricter enforcement of the existing two-hour parking limit would help improve the parking situation in the Downtown? Yes / No
3. Do you think developing the spaces behind Downtown buildings to accommodate more parking for business owners and their employees would help improve the parking situation in the Downtown? Yes / No
4. Should the City invest in additional off-street parking in the downtown? Yes / No
5. Please provide any additional comments or ideas you may have (please use the reverse side of this page if you require more space):

10.9 PARKING OVERLAYS

- (1) Downtown Parking Overlay
 - (a) The parking requirements of this section shall not apply within the boundaries of the Downtown Parking Overlay as shown on Figure 10.9-1:
 - (b) Notwithstanding the provisions of 1(a) above, residential uses shall provide the number of parking spaces as set out in Table 10.5-6.
 - (c) Notwithstanding the provisions of 1(a) above, the following uses shall provide the minimum number of parking spaces as required by this section:
 - (i) Amusement Establishments, Indoor;
 - (ii) Amusement Establishments, Outdoor:
 - (iii) Eating and Drinking Establishments with a seating capacity exceeding 150 persons;
 - (iv) Hotels;
 - (v) Motels;
 - (vi) Participant Recreation, Indoor
 - (vii) Religious Assembly;
 - (viii) Retail Store with a floor area exceeding 1390m²;
 - (ix) Shopping Centre;
 - (x) Spectator Entertainment with a floor area exceeding 465m²

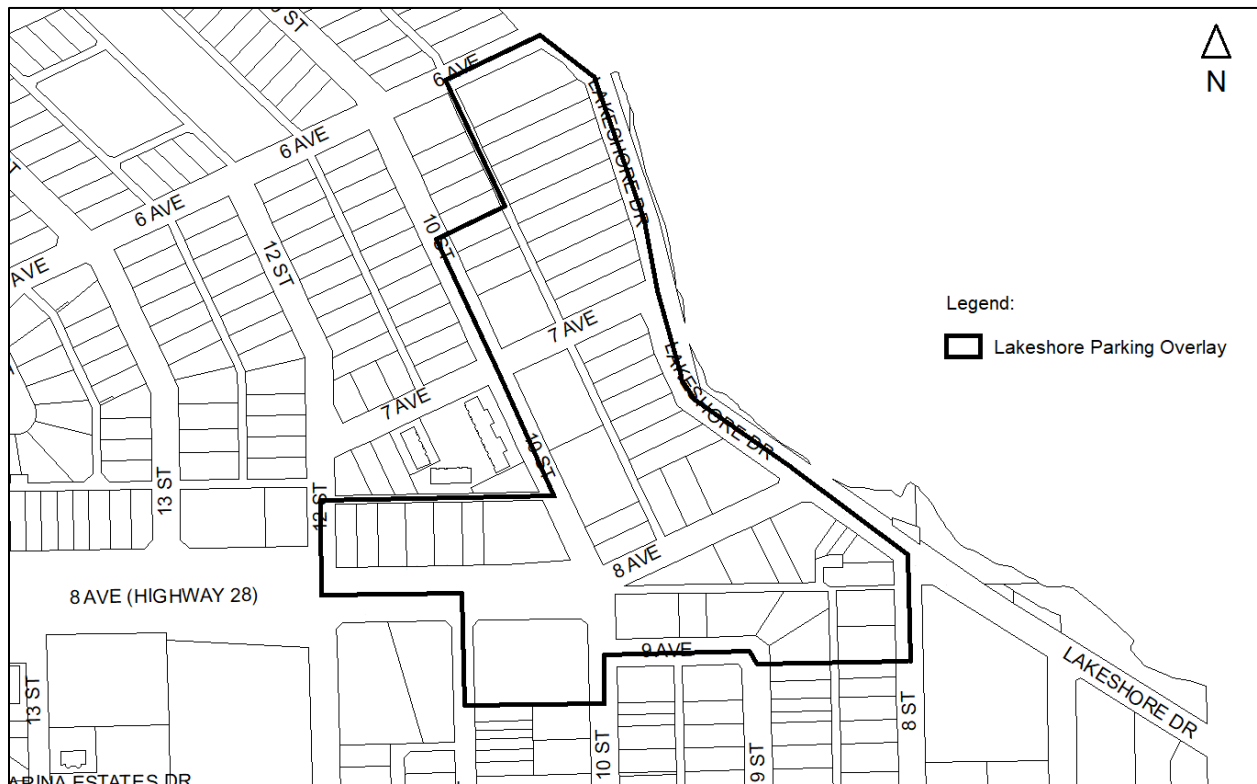
Figure 10.4-1: Downtown Parking Overlay



(2) Lakeshore Parking Overlay

- (a) The parking requirements of this section shall not apply within the boundaries of the Lakeshore Parking Overlay as shown on Figure 10.9-2:
- (b) Notwithstanding the provisions of 1(a) above, residential uses shall provide the number of parking spaces as set out in Table 10.5-6.
- (c) Notwithstanding the provisions of 2(a) above, the following uses shall provide the minimum number of parking spaces as required by this section:
 - (i) Amusement Establishments, Indoor;
 - (ii) Amusement Establishments, Outdoor;
 - (iii) Eating and Drinking Establishments with a seating capacity exceeding 150 persons;
 - (iv) Hotels;
 - (v) Motels;
 - (vi) Participant Recreation, Indoor
 - (vii) Religious Assembly;
 - (viii) Retail Store with a floor area exceeding 1390m²;

Figure 10.9-2 Lakeshore Parking Overlay



Downtown Parking

March 2019

Downtown Parking

- An open house was held on February 6, 2019 at the Best Western Hotel from 3:00pm-6:30pm to gather feedback from the business community on options to address downtown parking.
- Invitations were mailed to all property owners, hand-delivered to most downtown businesses, and sent via email by the Chamber of Commerce to its members. A total of 12 persons attended.
- The open house presented four options for moving forward, ranging from most prescriptive to least prescriptive and based on approaches used in other communities.

Option 1: Maintain the Status Quo

- Under this option, new or expanded businesses in the downtown would continue to be required to provide the same amount of on-site parking as businesses in other parts of the City
- Advantages:
 - Keeps parking requirements consistent for all businesses throughout the City, regardless of location
 - Reduces pressure on on-street parking to accommodate demand
- Disadvantages:
 - Businesses in the downtown typically do not have land available to provide additional parking
 - May make the downtown area less attractive for new businesses or business expansion

Option 2: Blanket Parking Reduction for Downtown Businesses

- Under this option, new or expanded businesses in the downtown would be required to provide a reduced amount of on-site parking as compared to businesses in other parts of the City. In other communities, such a reduction in parking requirements range between 30%-60%.
- Advantages:
 - Reduces the requirement to provide on-site parking which may make the downtown more attractive to new businesses
 - Reduces a potential barrier for existing businesses wishing to expand.
- Disadvantages:
 - May put increased pressure on on-street parking
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown.

Option 3: Vary Parking Requirements Based on Business Scale

- Under this option, reduction of on-site parking requirements would be based on the size of the business so smaller businesses that have less impact on parking have a lower (or no) requirement, while larger businesses, that potentially have a bigger impact, would be required to provide more parking.
- Advantages:
 - Reduces the requirement to provide on-site parking which may make the downtown more attractive to new businesses
 - Reduces a potential barrier for existing businesses wishing to expand.
- Disadvantages:
 - May put increased pressure on on-street parking
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown.

Option 4: Eliminate On-Site Parking Requirements for Downtown Businesses

- Under this option, new or expanded businesses in the downtown would not be required to provide any on-site parking
- Advantages:
 - Removes a barrier to locating new or expanded businesses in the downtown area
 - May make some developments viable in the downtown that would not be otherwise
 - Easy to administer
- Disadvantages:
 - On-street parking would need to accommodate all demand
 - Potential impact to other businesses that have on-site parking
 - May be perceived as an unfair advantage by businesses outside the downtown
 - Shifts the responsibility to provide parking from the business owner to the City

- Question 1: Please rank the options in order of preference with 1 being your most preferred option and 4 being your least preferred option:

	1 st Choice	2 nd Choice	3 rd Choice	4 th Choice
Option 1 Status Quo	1		2	2
Option 2 Blanket Parking Reduction	2		3	
Option 3 Vary Requirements By Scale		5		1
Option 4 Eliminate Parking Requirements	7	1		1

Question 2:

Do you think stricter enforcement of the existing two-hour parking time limit would help improve the parking situation in the downtown?

Yes: 9% No: 91%

Question 3:

Do you think developing the spaces behind downtown buildings to accommodate more parking for business owner and their employees would help improve the parking situation in the downtown?

Yes: 90% No: 10%

Question 4:

Should the City invest in additional off-street parking in the downtown?

Yes: 82% No: 18%

Additional Comments:

- Several attendees mentioned the former sewing store (5006 50 Ave) as a potential option for additional public parking
- Utilize the old Grand Centre Hotel property as paid parking for downtown staff
- Parking in back of buildings is a safety concern for business staff
- Have the City supply garbage pickup to eliminate dumpsters and increase staff parking behind businesses

Moving Forward

- Administration recognizes the challenges that new or expanded businesses in the downtown area face in meeting the current parking requirements of the Land Use Bylaw.
- Downtown areas are not designed or intended to accommodate large volumes of vehicle traffic or parking.
- Administration would recommend that the Land Use Bylaw be amended to eliminate on-site parking requirements for small-to-medium sized businesses, but that some requirements remain in place for larger businesses that would have a significant parking impact.

In other communities that have reduced or eliminated parking requirements in their downtown Administration has observed some limitations:

- Many downtowns, including Cold Lake, have provisions allowing for mixed commercial/residential developments. In these cases parking is still required for the residential component of the development.
- Some communities list specific uses for which parking is still required, typically those that will have a particularly high parking demand.

Limitations (continued):

- In some cases, the elimination of parking is tied to the size or capacity of the business, either floor area or seating capacity.
- Administration has observed a cut off in the 930m²-1,850m² (10,000ft²-20,000 ft²) range.
- The intent is to ensure that larger developments which will have a significant impact on parking continue to meet a minimum standard while small-to-medium-sized businesses that have a lesser impact are not required to provide parking.

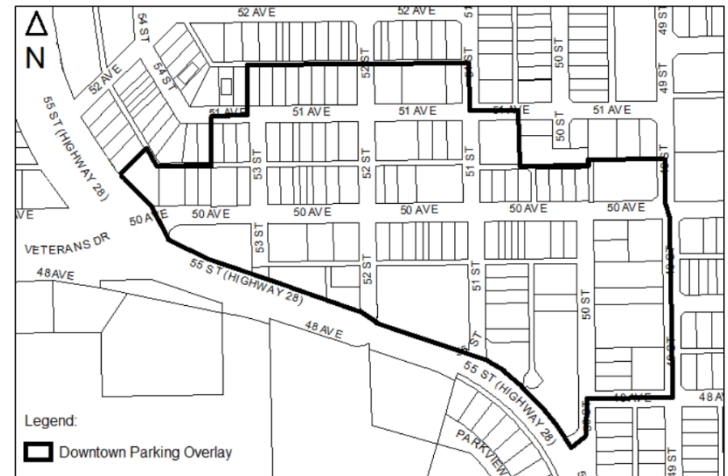
Parking Overlay

- An overlay is a tool used to modify the standard Land Use Bylaw requirements within a defined area.
- Administration has prepared a draft parking overlay for the Downtown and Lakeshore Commercial areas to facilitate discussion.

10.9 PARKING OVERLAYS

- (1) Downtown Parking Overlay
- The parking requirements of this section shall not apply within the boundaries of the Downtown Parking Overlay as shown on Figure 10.9-1:
 - Notwithstanding the provisions of 1(a) above, residential uses shall provide the number of parking spaces as set out in Table 10.5-6.
 - Notwithstanding the provisions of 1(a) above, the following uses shall provide the minimum number of parking spaces as required by this section:
 - Amusement Establishments, Indoor;
 - Amusement Establishments, Outdoor;
 - Eating and Drinking Establishments with a seating capacity exceeding 150 persons;
 - Hotels;
 - Motels;
 - Participant Recreation, Indoor
 - Religious Assembly;
 - Retail Store with a floor area exceeding 1390m²;
 - Shopping Centre;
 - Spectator Entertainment with a floor area exceeding 465m²

Figure 10.4-1: Downtown Parking Overlay

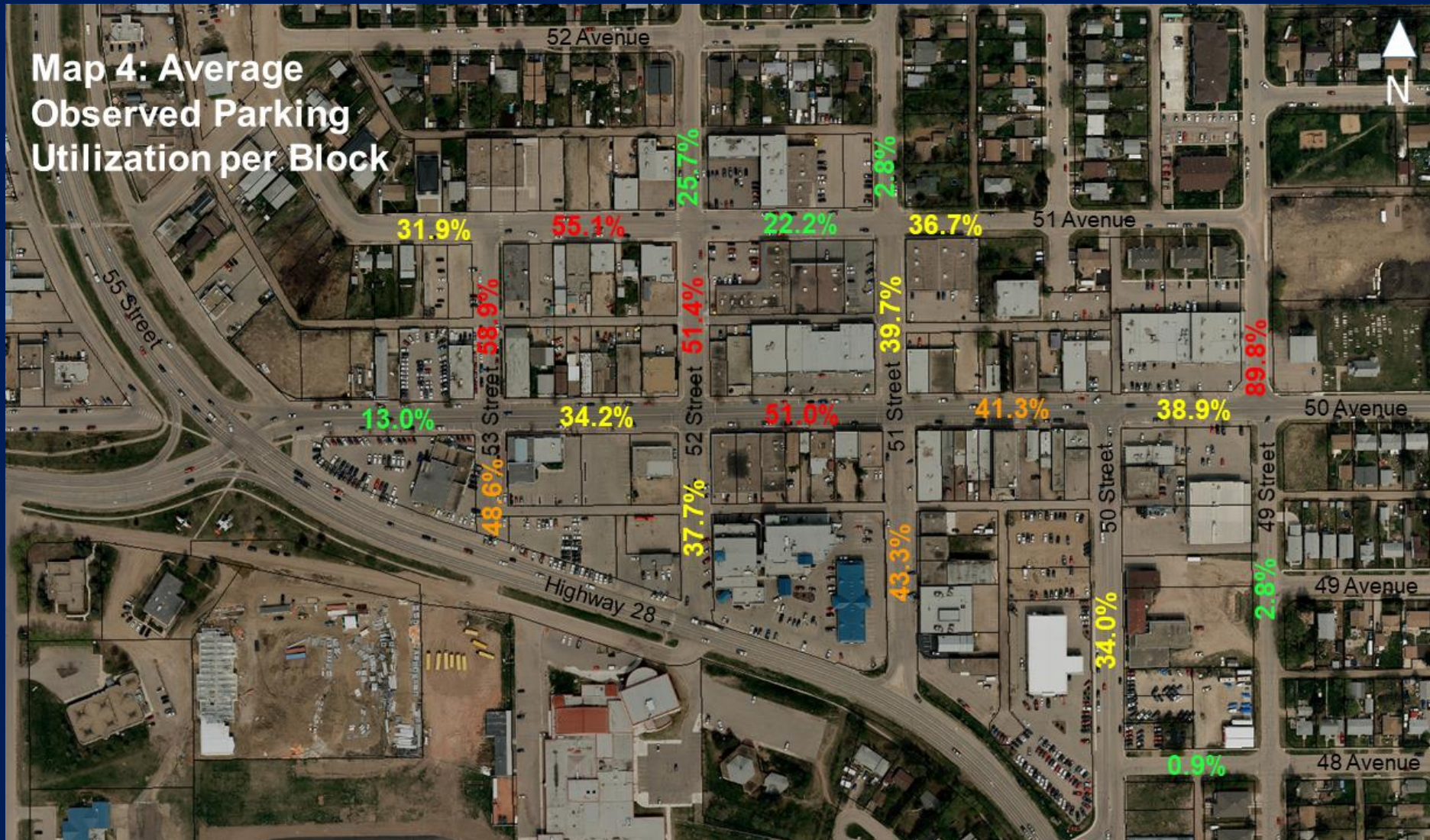


- (2) Lakeshore Parking Overlay
- The parking requirements of this section shall not apply within the boundaries of the Lakeshore Parking Overlay as shown on Figure 10.9-2:
 - Notwithstanding the provisions of 1(a) above, residential uses shall provide the number of parking spaces as set out in Table 10.5-6.
 - Notwithstanding the provisions of 2(a) above, the following uses shall provide the minimum number of parking spaces as required by this section:
 - Amusement Establishments, Indoor;
 - Amusement Establishments, Outdoor;
 - Eating and Drinking Establishments with a seating capacity exceeding 150 persons;
 - Hotels;
 - Motels;
 - Participant Recreation, Indoor
 - Religious Assembly;
 - Retail Store with a floor area exceeding 1390m²;

Questions?

Downtown Parking Survey (2016)

Map 4: Average Observed Parking Utilization per Block



PART 10 PARKING AND LOADING FACILITIES

10.1 GENERAL PARKING AND LOADING REGULATIONS

- (1) The requirements on this Part shall apply to all parking and loading facilities required by this Bylaw.
 - (a) Notwithstanding the requirements of this Part, specific rules contained in any land use district shall govern the parking and loading requirements for that district.
- (2) If vehicles entering onto public roadways may exceed 9.00 metres in length the applicant may be required to provide evidence, in the form of diagrams that appropriate entrance geometrics have been incorporated, to the satisfaction of the Development Authority.
- (3) For the construction of a new building, the enlargement, or change of use of an existing building, which generates the need for new or additional parking or loading spaces, the owner of the building shall provide the required parking or loading spaces in a finished condition as required in this Bylaw, prior to the completion of development or first occupancy of the building, whichever is sooner.
- (4) In the event seasonal conditions prohibit the completion of lot surfacing, the lot shall be compacted and maintained in a manner to allow access by emergency vehicles, and all hard surfacing shall be completed within 1 year.
- (5) The applicant may be required to provide an irrevocable Letter of Credit or other form of security acceptable to the Development Authority to guarantee completion of the lot surfacing.
- (6) Parking areas which are intended for public use shall only be used for the temporary parking of motor vehicles and shall not be used for extended storage of motor vehicles.
- (7) Where the Development Authority finds that the use of a parking area is not in accordance with this Bylaw, the Development Authority may, by written notice of contravention, and/or written stop order notice, notify or order the registered owner, the person in possession of the parking area or the person responsible for the contravention or all, or any of them to:
 - (a) stop the use of the parking area in whole or in part as directed by the notice; or
 - (b) take such other measures as are specified in the notice so that the use of the parking area is in accordance with the Development Permit or this Bylaw as the case may be, within the time specified by the notice.
- (8) Notwithstanding the provisions of Section 10.1, all provisions of Section 5.3 are applicable at the discretion of the Development Authority.
- (9) Parking areas and loading spaces shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system and adjacent public roadways.
- (10) To facilitate the determination of parking and loading requirements, a parking and loading assessment prepared to a professional standard acceptable to the Development Authority, may be required to document the parking and loading demand and supply characteristics associated with the proposed development.

- (a) The Development Authority shall not be bound by any recommendations of such a parking or loading assessment, but may consider such recommendations in exercising discretion to allow a reduction of the minimum number of spaces specified in this Bylaw.
- (11) The Development Authority may refuse to grant a development permit to an applicant not fully complying with parking or loading requirements.

10.2 RESIDENTIAL USES

- (1) All residential parking stalls and loading spaces required by this Bylaw shall be located on the same site as the use requiring them.
 - (a) Surface parking areas for apartments are subject to setback and yard requirements of the districts where they are located.
- (2) The parking or loading stalls required for all residential uses shall be hard surfaced as defined in this Bylaw, as per the City of Cold Lake Municipal Engineering Standards, or as otherwise provided in a Development Agreement.
- (3) Parking or loading spaces for an apartment building shall not be located in the front yard of a site or between the front of a building and the boundary of the street on which the building faces unless otherwise approved by the Development Authority.

10.3 NON-RESIDENTIAL USES

- (1) The parking or loading stalls required for all non-residential uses shall be hard surfaced as defined in this Bylaw as per the City of Cold Lake Municipal Engineering Standards.
- (2) The location of on-site parking or loading spaces on a school site shall be to the satisfaction of the Development Authority.
- (3) Non-residential parking or loading spaces shall not be located in the front yard of a site or between the front of a building and the boundary of the street on which the building faces, unless otherwise approved by the Development Authority.
- (4) If a non-residential parking or loading area is located on a site immediately adjacent to a Residential District, the parking or loading area shall be designed as required by Section 10.2.

10.4 PARKING REQUIREMENTS

- (1) This Section is subject to Section 10.1, Section 10.2 and Section 10.3.
- (2) All parking spaces, loading spaces, manoeuvring aisles and driveways shall be surfaced and maintained to the satisfaction of the Development Authority.
- (3) All parking spaces, loading spaces, manoeuvring aisles and driveways shall be demarcated to the satisfaction of the Development Authority.

- (4) The parking or loading layout of all developments shall be designed, located and constructed to meet the following standards to the satisfaction of the Development Authority:
- (a) each parking aisle may have a curbed island at each end, measuring a minimum of 1.00 metre in width;
 - (b) In accordance with the City of Cold Lake Municipal Engineering Standards, any industrial or commercial parking lot containing more than 100 parking spaces and in which a parking space intended for visitor or customer use is further than 50 metres from the entrance to any destination building on the site, shall be oriented to ensure safe and efficient pedestrian traffic flow, and incorporated into any adjoining trail system;
 - (c) lot design shall provide for adequate stacking and queuing lanes for vehicles to ensure that traffic flow both on-site and on public roads is not adversely affected in any way;
 - (d) the parking or loading area must be accessible to and appropriate for :
 - (i) vehicles using it and the frequency of use; and
 - (ii) the parking or loading area must be appropriately surfaced and drained as required by the Development Authority.
- (5) Size of Parking Stalls and Drive Aisles:
- (a) parking angles may have a value of 90 degrees or range from 90 degrees to 45 degrees;
 - (b) unless otherwise allowed by the Development Authority, the minimum dimensions for the design of parking facilities shall be as set out in Figure 10.4-1: Illustration of Parking Standard Dimensions and Table 10.4-1: Minimum Parking Standards.

Figure 10.4-1: Illustration of Parking Standard Dimensions

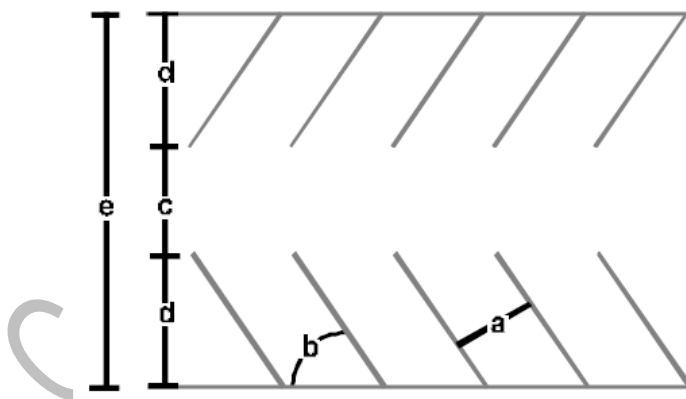


Table 10.4-1: Minimum Parking Standards

Stall Width (a)	Parking Angle(in Degrees) (b)	Aisle Width (c)	Stall Depth Perpendicular to Aisle (d)	Parking Unit Depth (e)
2.60	0	3.20	5.50	8.4
2.60	45	2.60	5.20	13.00
2.60	90	5.20	4.90	15.00

- (c) parking dimensions for parking angles between 90 degrees and 45 degrees shall be calculated using a straight-line interpolation between dimensions;
 - (d) for parallel parking, the length of the parking spaces shall be 5.50 metres;
 - (e) manoeuvring aisles and driveways serving as fire lanes shall be at least 6.00 metres wide;
 - (f) parking stalls shall be clear of all obstructions, other than wheel stops; and,
 - (g) the maximum grade of a parking stall shall not exceed 4% in any direction.
- (6) The portion or portions of a parking lot used for parking must:
- (a) be marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle; and,
 - (b) have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or buildings.
- (7) Wheel stops shall not exceed 0.10 metre in height above the parking stall surface and shall be placed perpendicular to the parking stall depth, 0.60 metre from the front of the parking stall.

10.5 NUMBER OF VEHICLE PARKING STALLS REQUIRED

- (1) Where the calculation of the required number of parking stalls or loading spaces results in a fraction number of parking spaces, the next higher number shall be taken.
- (2) Where a development falls within two or more of the categories listed in this Section, it shall comply with all parking regulations applicable to all of the categories.
 - (a) The highest requirement shall be used.
- (3) Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set.
- (4) Unless otherwise allowed by the Development Authority, the required number of vehicle parking stalls for any use shall be as set forth in the following tables (where Gross Floor Area = GFA and Dwelling Unit = du):

Table 10.5-1 Parking Requirements for Accommodation Establishments and Eating and Drinking Establishments

LAND USE	MINIMUM PARKING REQUIREMENT
Hotel/Motel/Bed and Breakfast	1 stall per bedroom sleeping unit (including suite) and 1 stall per 3 employees
Eating and Drinking Establishment	1 stall per 4 seats

Table 10.5-2 Parking Requirements for Businesses

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Entertainment Establishment	5.3 stalls 100 m ² + minimum of 3 staff stalls
Adult Retail Establishment	2.5 Stalls per 100m ² of GFA, with a minimum of 2.0 stalls per store
Greenhouse and Plant Nursery	3 stalls per 100m ² GFA plus a minimum of 2 staff parking stalls
Kennel	2 stalls plus a minimum of 1 staff parking stall
Automotive and Recreation Vehicle Sales and Rental	2 stalls per 100 m ² GFA designated for customer parking plus a minimum of 3 stalls for staff parking
Professional and Financial Services	2 stalls per 100 m ² GFA
Automotive and Equipment Repair	2 stalls per 100 m ² GFA
Industrial Vehicle and Equipment	0.5 stall per staff plus a minimum of 5 stalls for visitor parking
Personal Service Facility	2 stalls per 100 m ² GFA
Warehousing and Storage (except self-storage)	1.1 stalls per 100 m ² GFA up to 2000 m ² GFA and 0.2 stalls per 100 m ² GFA thereafter
Self-Storage	Minimum of 6 stalls for customers plus 2 staff stalls

Table 10.5-3 Parking Requirements for Education Services

LAND USE	MINIMUM PARKING REQUIREMENT
Elementary/Junior High Schools	1.0 stall per staff
Senior High School	0.5 stall per student and 1.0 stall per staff
College/University	0.4 stalls per student plus 1.0 stall/staff
Commercial School	0.7 stalls per student plus 1.0 stall/ staff

Table 10.5-4 Parking Requirements for Government Services

LAND USE	MINIMUM PARKING REQUIREMENT
Public Buildings and Services	4.1 stalls per 100 m ² GFA

Table 10.5-5 Parking Requirements for Health Services

LAND USE	MINIMUM PARKING REQUIREMENT
Child Care Facility	1 stall per staff on duty plus 0.2 stall per child
Health Service	1.1 stalls per 100 m ² GFA
Hospital	1 stall per bed
Supportive Living Accommodation	0.2 stall per bed plus 0.8 stall per staff
Veterinarian	4 stalls per 100 m ² GFA

Table 10.5-6 Parking Requirements for Residential Developments

LAND USE	MINIMUM PARKING REQUIREMENT
Single Detached Dwelling / Semi-Detached Dwelling/Duplex/Row house	2 stalls per du
Apartment – Bachelor / 1 Bedroom	1 stall per du plus 0.15 stalls per du designated as visitor parking
Apartment - 2 Bedroom	1.5 stalls per du plus 0.15 stalls per du designated as visitor parking
Apartment - 3 or more Bedroom	2 stalls per du plus 0.15 stalls per du designated as visitor parking
Secondary Suite	1 stall per suite
Secondary Suite – 3 or more Bedroom	2 stalls per suite <i>Amended on April 9, 2013, by Bylaw #474-LU-13.</i>
Manufactured Home Subdivision	2 stalls per du plus 0.15 stalls per du designated as visitor parking

Table 10.5-7 Parking Requirements for Social/Recreational Services

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Entertainment Establishment	5.3 Stalls per 100m ² + minimum of 3 staff stalls <i>Amended June 23, 2015 by Bylaw #559-LU-15.</i>
Participant Recreation Facility, Indoor	10 stalls per 100 m ² GFA
Casino	30 stalls per 100 m ²
Religious Assembly	5.0 stalls per 100 m ² of assembly area
Spectator Entertainment	5.3 stalls per 100 m ²

Table 10.5-8 Parking Requirements for Retail Business

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Retail Establishment	2.5 stalls per 100 m ² GFA, with a minimum 2.0 stalls per store <i>Amended June 23, 2015 by Bylaw #559-LU-15.</i>
Gas Bar / Service Station	2.2 stalls per 100 m ² per GFA plus 1.0 stall per staff on duty
Convenience Retail / Retail Store	2.5 stalls per 100 m ² GFA, with a minimum 2.0 stalls per store
Shopping Mall	4.1 stalls per 100 m ² GFA

- (5) Where two adjacent developments can demonstrate to the satisfaction of the Development Authority that opportunities to share parking facilities exist, the Development Authority may consider an appropriate relaxation of the number of vehicle parking stalls subject to Section 10.8.

10.6 ON-SITE LOADING REQUIREMENTS

- (1) This Section is subject to Section 10.1, Section 10.2 and Section 10.3.
- (2) A loading space shall be designed and located so that all vehicles using that space can be parked and manoeuvred entirely within the bounds of the site without backing to or from adjacent streets.
- (3) A loading space situated within a setback distance from a street or lane shall not be counted for the purposes of this Section.
- (4) A loading space shall be a minimum width of 3.00 metres and a minimum depth of 9.00 metres and maintain a minimum overhead clearance of 4.30 metres.

- (5) The Development Authority, having regard to the types of vehicles that are likely to use the loading space, may change minimum loading space dimensions.
- (6) For apartment buildings or multi-attached dwellings with more than twenty (20) units, adequate loading space shall be provided to the satisfaction of the Development Authority.
- (7) Loading space requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific loading facility requirements are set.
- (8) Unless otherwise allowed by the Development Authority, the required on-site loading space for any use shall be as follows:

Table 10.6-1 Required Number of Loading Spaces:

USE OF BUILDING OR SITE	NUMBER OF LOADING SPACES
Eating and Drinking Establishment	1 space per 9000 m ² of GFA
Funeral Services	1 space per 9000 m ² of GFA
Health Service	1 space per 9000 m ² of GFA
Hotel	1 space per 9000 m ² of GFA
Light Industrial	1 space per 2000 m ² of GFA
Office Buildings	1 space per 9000 m ² of GFA
Public Building	1 space per 9000 m ² of GFA
Retail and Wholesale Sales	1 space per 9000 m ² of GFA
Spectator Entertainment	1 space per 9000 m ² of GFA
Warehousing and Storage	1 space per 2000 m ² of GFA

10.7 MULTI-USE OR MIXED USE DEVELOPMENTS

- (1) Developments containing or providing for more than one use shall provide parking stalls and loading spaces equal to the sum of the requirements of individual uses, unless the applicant can otherwise demonstrate to the Development Authority through the use of a qualified Transportation Engineer that there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements.
- (2) Parking and loading spaces for a shopping mall shall not be calculated on the basis of individual use within the mall, but rather the shopping mall parking space requirement shall determine the required number of spaces.

10.8 COMBINED OR SHARED PARKING

- (1) The Development Authority may allow two or more developments to share parking spaces.
 - (a) Up to 50% of the required parking may be combined or shared parking.
- (2) Permission to share parking spaces may only be granted by the Development Authority in the following circumstances:
 - (a) the developments are in close proximity to each other and within 100.00 metres of the site on which the parking spaces are located;
 - (b) the demand for parking spaces for each development is not likely to occur at the same time;
 - (c) the Development Authority is satisfied that the arrangement between the owners of the developments for the sharing of parking spaces is to be permanent unless an alternative permanent arrangement is made that is satisfactory to the Development Authority; and,
 - (d) an agreement acceptable to the Development Authority is provided.

10.9 PARKING EXCEPTIONS IN THE DOWNTOWN COMMERCIAL (C1) AND LAKESHORE COMMERCIAL (LC) DISTRICTS

- (1) In order to promote a pedestrian friendly environment within the Downtown Commercial (C1) and Lakeshore Commercial (LC) Districts and to encourage higher density mixed-use developments, the following shall apply:
 - (a) The Development Authority may give credit for on-street parking providing such on-street parking stalls about the development and provided that the use of said stalls have not been pre-empted by a fire hydrant, yellow-curb line, loading zone, entrance or some obstruction which prevents the use of the said stalls for public parking;
 - (b) If deemed acceptable, the Development Authority may:
 - (i) Accept payment-in-lieu of the number of off-street parking spaces deficient for a new development, expansion of an existing use or change of use of a building, which payment amount shall be based upon the amount of money Council deems reasonable (taking into consideration the current market value of land and the current construction costs) in return for the equivalent parking space to be provided by the City elsewhere in the District in which the development is proposed; or
 - (c) Notwithstanding the provisions of 1(a) and (b) above, the Development Authority may allow a reduction in off-street parking spaces required for a development if, in the opinion of the Development Authority, the proposal would not create an unacceptable demand for on-street parking and would not interfere with highway safety.

10.10 VEHICULAR-ORIENTED USES

- (1) Vehicle-oriented uses may include drive-through food and bank services, gas bars, services stations, drive-through vehicular services and other developments providing drive-in services in which patrons generally remain inside their vehicles.
- (2) Vehicle-oriented uses shall be located only where the Development Authority is satisfied that the development will not adversely affect the functioning of surrounding public roadways.
- (3) The minimum site width shall be as established in the District.
- (4) Queuing space shall be provided as follows:
 - (a) for drive-through food services, and other development having a service window, a minimum of six inbound queuing spaces shall be provided for vehicles approaching the service window; or,
 - (b) for drive-through vehicle services, a minimum of five inbound queuing spaces shall be provided for each service bay; and,
 - (c) queuing lanes shall provide sufficient space for turning and manoeuvring, and be maintained by the registered owner or lessee.

10.11 PARKING SPACES AND LOADING ZONES FOR VEHICLES USED BY PHYSICALLY DISABLED PERSONS

- (1) Parking spaces for physically disabled persons shall be located as close as possible to ramps, walkways, and building entrances.
- (2) Parking shall be arranged in such a way that users of wheelchairs are not required passing behind parked cars.
- (3) For conditions requiring more than two parking spaces for vehicles used by physically disabled persons, no more than two stalls shall be placed adjacent to each other. If there are several accessible building entrances, a stall shall be located near each entrance.
- (4) The design of parking spaces and loading zones for vehicles used by Physically Disabled Persons shall conform to the requirements of the Alberta Building Code.
- (5) Required number of parking spaces and loading zones for vehicles used by physically disabled persons for any use shall be as follows:
 - (a) parking for vehicles used by physically disabled persons shall be included as part of and not in addition to, the applicable minimum parking requirement;
 - (b) the number of parking stalls for vehicles used by Physically Disabled Persons shall conform to the requirements of the Alberta Building Code.

10.12 NUMBER OF BICYCLE PARKING STALLS REQUIRED

- (1) Unless otherwise required by the Development Authority, the required number of bicycle parking stalls for any use may be as set by the Development Authority.
- (2) Location of Bicycle Stalls:
 - (a) bicycle parking area shall be wholly provided on the same site as the building;
 - (b) bicycle parking area shall be separated from vehicle parking;
 - (c) bicycle parking area may be designed so that bicycles may be securely locked to the rack, railing or other similar device.



Issue Summary Report

DOWNTOWN COMMERCIAL AREA PARKING

#20181010001

Meeting : Council - Corporate Priorities Committee

Meeting Date : 2018/10/16 18:00

Meeting Type : COUNCIL - CORPORATE PRIORITIES COMMITTEE

Executive Summary

Administration has prepared a presentation outlining how parking requirements were calculated for a number of significant developments within the Downtown Commercial Area over the past 10 years.

Background

Administration has prepared a presentation outlining how parking requirements were calculated for a number of significant developments within the Downtown Commercial Area over the past ten years. This information is provided for discussion, following a recent appeal to the Subdivision and Development Appeal Board of a new business development within the City's Downtown.

An analysis of how parking requirements were calculated in accordance with the Land Use Bylaw (LUB) is provided in the attached PowerPoint presentation:

- Best Western Hotel (2008)
- O2's Taphouse (2014)
- Twisted Lizard (2015)
- Grande Parlour Theatre (2016)

Additionally, the presentation includes information obtained from a survey of downtown parking that was completed in 2016 and illustrates the average parking demand per block.

It is understood that Council wants to have further discussion on a recent Subdivision and Development Appeal Board (SDAB) Hearing relating to the same building that the O2's Taphouse and Grill exists in; as it relates to the proposed Cannibas Retail Store and the required parking. For reference purposes, we've attached the SDAB decision.

Alternatives

Discussion item

Recommendation

Discussion item

Additional Information

Contributors to Report :

Kevin Nagoya, CAO

Planning and Development Department

Downtown Parking Analysis

October 2018

Downtown Parking Analysis

- In response to a recent appeal of a Development Permit to the Subdivision and Development Appeal Board, Administration will provide an overview of the parking calculations for major developments/proposed developments within the Downtown over the past 10 years:
 - Grande Parlour Theatre (2016)
 - O2's Taphouse (2014)
 - O2's Patio (2017)
 - Twisted Lizard (2015)
 - Best Western Hotel (2008)

Grande Parlour – 5110 50 Avenue (2016)



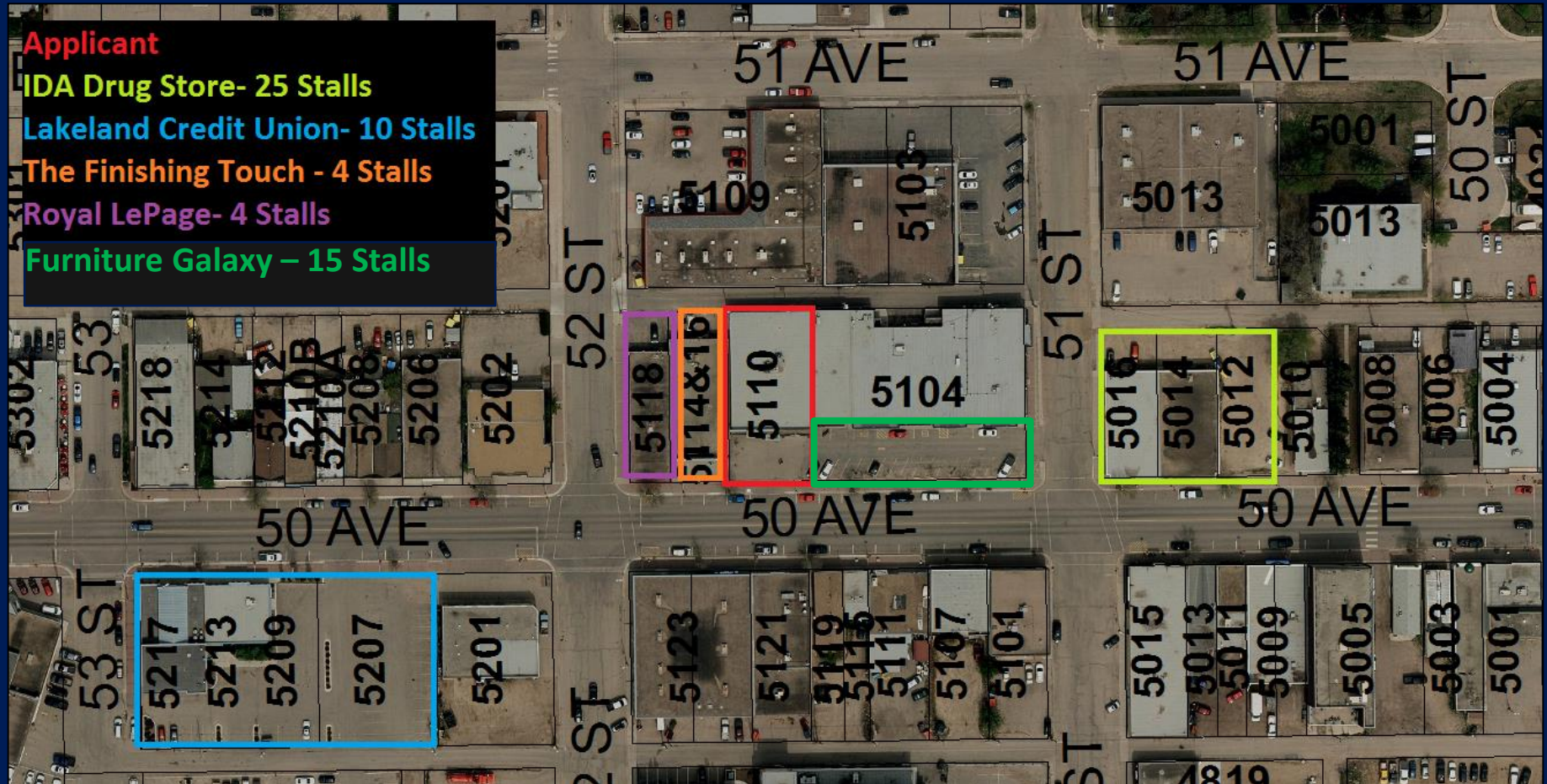
Grande Parlour (2016)

- Classified as “Spectator Entertainment” by the LUB
- Defined LUB Parking requirement for “Spectator Entertainment” is 5.3 stalls per 100m²
- Seating area is 189m²
- $189\text{m}^2 \times 5.3 \text{ Stalls} / 100\text{m}^2 = 11$ parking stalls required by LUB
- Total parking provided is 58 stalls

Grande Parlour (2016)

- The applicant provided 5 parking stalls on-site with the remainder through shared parking agreements with other downtown businesses:
 - 25 stalls with IDA Pharmacy
 - 10 Stalls with Lakeland Credit Union
 - 4 Stalls with Northern Lights Realty
 - 4 Stalls with Finishing Touch
- Subsequent to the approval of the application by MPC, a parking agreement was reached with Furniture Galaxy for 15 additional parking stalls
- MPC approved a variance, to allow for more than 50% of the required parking (6 of 11 required stalls) to be provided through shared parking

Grande Parlour (2016) – Shared Parking



O2's Taphouse - 4817 51 Street (2014)



O2's Taphouse (2014)

- Classified as an “Eating and Drinking Establishment” by the LUB
- Defined LUB Parking requirement for an “Eating and Drinking Establishment” is 1 stall per 4 seats
- 160 seats shown on floor plan
- $160 \text{ seats} / 4 = 40$ parking stalls required by LUB
- Total parking provided is 47 stalls which exceeds the minimum LUB parking requirement

O2's Taphouse (2014)

- 28 parking stalls were provided on site (new paved parking lot at rear of building)
- 11 stalls provided through a shared parking agreement with an adjacent office (up to 50% of required parking can be provided by shared parking in accordance with LUB Section 10.8(1)(a))
- 8 on-street parking stalls credited in accordance with LUB Section 10.9(1)(a):

10.9(1)(a) "The Development Authority may give credit for on street parking provided such on street parking stalls about the development and provided that the use of said stalls have not been pre-empted by a fire hydrant, yellow-curb line, loading zone, entrance or some obstruction which prevents the use of said stalls for public parking."

O2's Taphouse (2014)



O2's Taphouse Patio (2017)

- In 2017, O2's applied to add a rooftop patio to their establishment
- The patio would only be used seasonally
- The permit was approved on the basis that, during times when the patio was open to customers, that an equivalent number of seats indoors would need to be closed, therefore, there was no change in capacity
- As a condition of the permit, the total seating available to customers may not exceed the original 160 seats at any time

O2's Taphouse Patio (2017)



City of Cold Lake

PLANNING AND DEVELOPMENT

Development Permit

Application No.: 217144

Roll No.: 4000017029

Development Address: 101, 4817 51 Street

Legal: Lot: 9, 10 Block: 1 Plan: 2925ET

Applicant: Value Master Builder
#1001, 5101 46 Avenue
Cold Lake, AB T9M 0C8

Owner: Cold Lake Properties Ltd.
201, 11806 126 Street
Edmonton, AB T5L 0V9

Description of Proposed Development:

CHANGE OF INTENSITY: EATING AND DRINKING ESTABLISHMENT

Issuance of this permit approved by the Development Authority subject to the following condition(s):

1. Meeting all other requirements of the Land Use Bylaw 382-LU-10 as amended.
2. Meeting the requirements of the Current Alberta Building Code and Safety Codes Act.
3. Meeting all other requirements of the City of Cold Lake Engineering Standards.
4. Meeting the requirements of other legislation.
5. All on-site parking stalls must be demarcated according to the Land Use Bylaw 382-LU-10 Section 10.4 (3). Please demarcate according to approved site plan from Development Permit No. 214332.
6. Please place a sign (O2's Customer Parking) at the rear of the property.



City of Cold Lake

PLANNING AND DEVELOPMENT

Application No.: 217144

Roll No.: 4000017029

Development Address: 101, 4817 51 Street

Legal: Lot: 9, 10 Block: 1 Plan: 2925ET

7. Development Permit No. 214332 approved 160 seats at the Eating and Drinking Establishment. At no time shall the total number of seats open to customers exceed 160 seats.

Note:

- Any renovations will require separate Building, Plumbing, Gas or Electrical Permits.

THIS IS NOT A BUILDING PERMIT

DO NOT BEGIN CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT


Megan Watt
Development Officer
City of Cold Lake

September 21, 2017
Effective Date

You are hereby advised that you have the right to appeal these conditions to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal explaining your reasons for appealing the conditions together with the applicable appeal fee of **\$250.00**, must be received by the Secretary of the Subdivision and Development Appeal Board, 5513-48th Avenue, Cold Lake, AB T9M 1A1, within **fourteen (14) days of issuance date of this permit**.

Twisted Lizard - 5007 50 Avenue (2015)



Twisted Lizard (2015)

- At the time of this application, the LUB did not specify regulations for Adult Entertainment, therefore the application was classified as a “Nightclub” in accordance with LUB Section 1.8(2)(b):

1.8(2)(b) “where a specific use does not conform to the wording of any use class definition or generally conform to the wording of two or more use class definitions, the use conforms to and is included in that use class which is most appropriate in character and purpose at the discretion of the Development Authority.”

Twisted Lizard (2015)

- The LUB does not list a specific parking requirement for “Nightclubs”
- In Accordance with LUB Section 10.5(3), where a specific parking requirement is not listed, the Development Authority determines the parking requirement based on the most similar use

10.5(3) “Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set”

Twisted Lizard (2015)

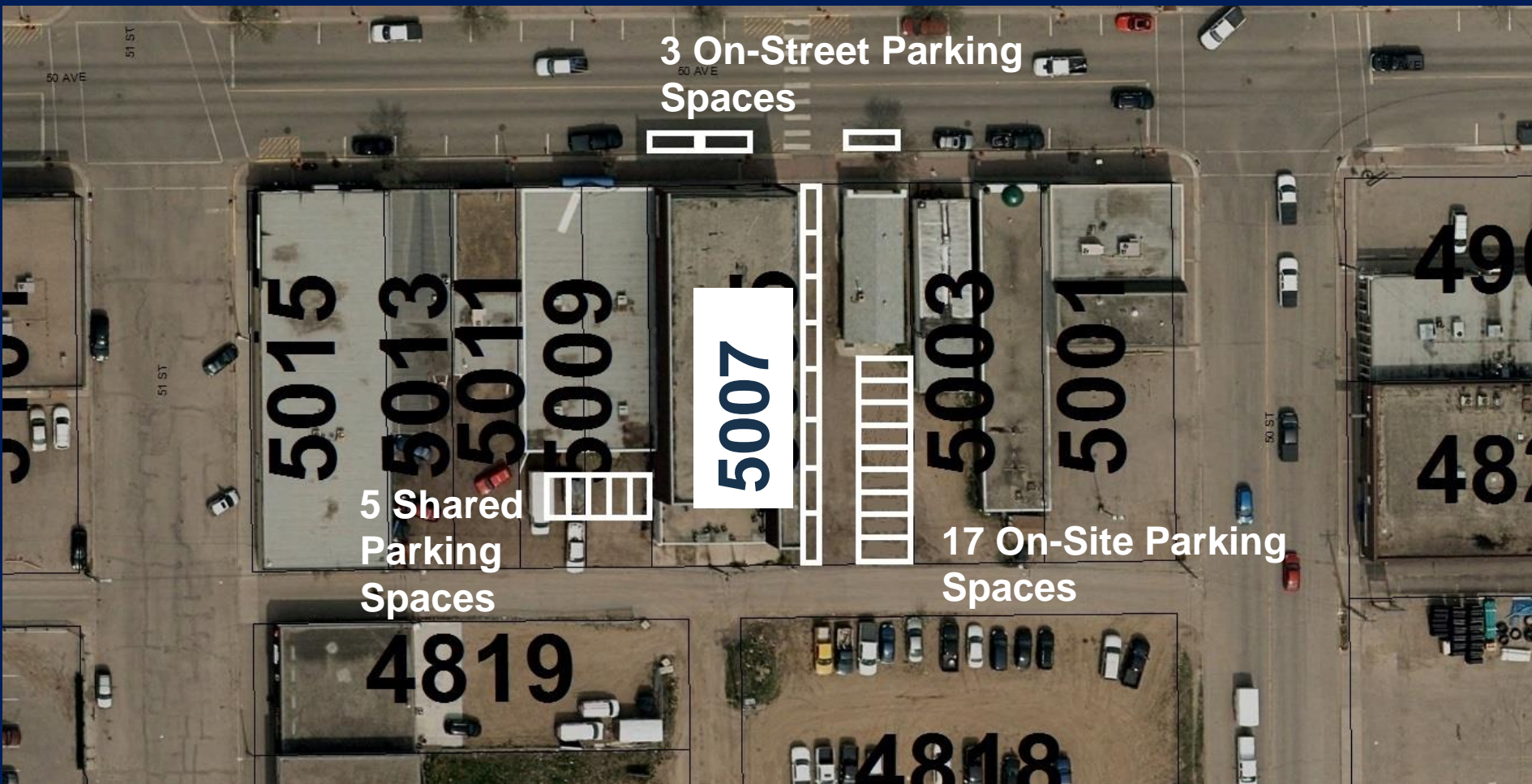
- Administration applied the parking requirement for an “Eating and Drinking Establishment” as the most similar use for which the LUB specifies a parking requirement
- Defined LUB Parking requirement for an “Eating and Drinking Establishment” is 1 stall per 4 seats
- 46 seats were indicated on the floor plan
- $46 \text{ seats} / 4 = 11.5$, rounded up to 12 parking stalls required by the LUB

Twisted Lizard (2015)

A total of 25 parking stalls were provided which exceeded the minimum LUB parking requirement:

- 17 parking stalls were located within 5007 50 Avenue
- 5 parking stalls located behind 5009 50 Avenue (through a shared parking agreement)
- 3 on-street parking stalls located in front of 5007 50 avenue were credited in accordance with LUB Section 10.9(1)(a)

Twisted Lizard (2015)



Twisted Lizard (2015)

- There were other existing uses (Dance School, Hostel) located at 5007 50 Street
- Administration determined that the peak hours of operation of the Twisted Lizard (10pm-3am) did not overlap with the Dance School which closed between 8:30pm and 9:30pm, therefore there would not be an overlap in demand for parking
- Information in the property file appeared to indicate that the Hostel was exempted from providing parking at the time of it's approval (1997)

Twisted Lizard (2015)

- Based on Administration's findings, it was determined that there would be little or no overlap in parking demand between the Twisted Lizard and the other uses in the building
- The Subdivision and Development Appeal Board (SDAB) subsequently overturned Administration's decision and denied the Development Permit, in part, due to concerns regarding parking

Twisted Lizard (2015)

- Excerpt from SDAB decision referencing parking:
- *“There is a lack of parking regulation surrounding the use of a “night Club” in the City of Cold Lake’s Land Use Bylaw No. 382-LU-10. Simply, applying the parking regulations from the “Eating and Drinking Establishment” has inherent issues recognizing that a significant part of the “nightclub” will have a dance floor, standing room and other uses. The full impacts of the proposed development on parking cannot be fully evaluated and will most likely materially affect the use and enjoyment of the neighbouring parcels of land. This is compounded with the fact that the second (2nd) floor residential use of the facility was not considered in the parking requirements. These temporary shelters will have actual influence on the impacts to parking. Furthermore, the third (3rd) floor of the facility does not conform to the parking regulations as is. Although there is limited overlap with other businesses in the immediate area; there is overlap none the less. Simply, ignoring the parking requirements of the entire facility is an unreasonable approach to evaluating the development requirements.”*

Best Western Hotel - 4815 52 Street (2008)



Best Western Hotel (2008)

- Based on the requirements of the Land Use Bylaw, the Best Western required 233 parking stalls:
 - 136 Room Hotel/Motel (1 stall per guest room) = 136 Stalls
 - 32 Hotel Staff (1 stall per 3 Staff) = 11 Stalls
 - 70 Seat Restaurant (1 stall per 4 seats) = 18 Stalls
 - 80 seat Lounge (1 stall per 4 seats) = 20 Stalls
 - 150 Seat Banquet Room (1 stall per 4 seats) = 38 Stalls
 - 198 m² Liquor Store (2.5 Stalls per 100 m²) = 5 Stalls
 - 225 m² Office Lease Space (2 stalls per 100 m²) = 5 Stalls
- LUB Section 10.5(2) states that where a development falls into multiple use categories, it must comply with the parking requirements applicable to all of the categories.

Best Western Hotel (2008)

- MPC approved the application with 145 parking stalls
- This was a reduction of 88 parking stalls (a 38% variance to the LUB minimum parking requirements)
- Subsequent adjustments to the site/building plans resulted in an actual reduction of 92 stalls.
- The final parking allocation for the development was 142 stalls

Best Western Hotel (2008)

- 112 parking stalls were provided on-site
- 30 stalls located across the street at 4916 52 Street (subject to an agreement that these stalls be reserved for the exclusive use of the hotel development)

Best Western Hotel (2008)

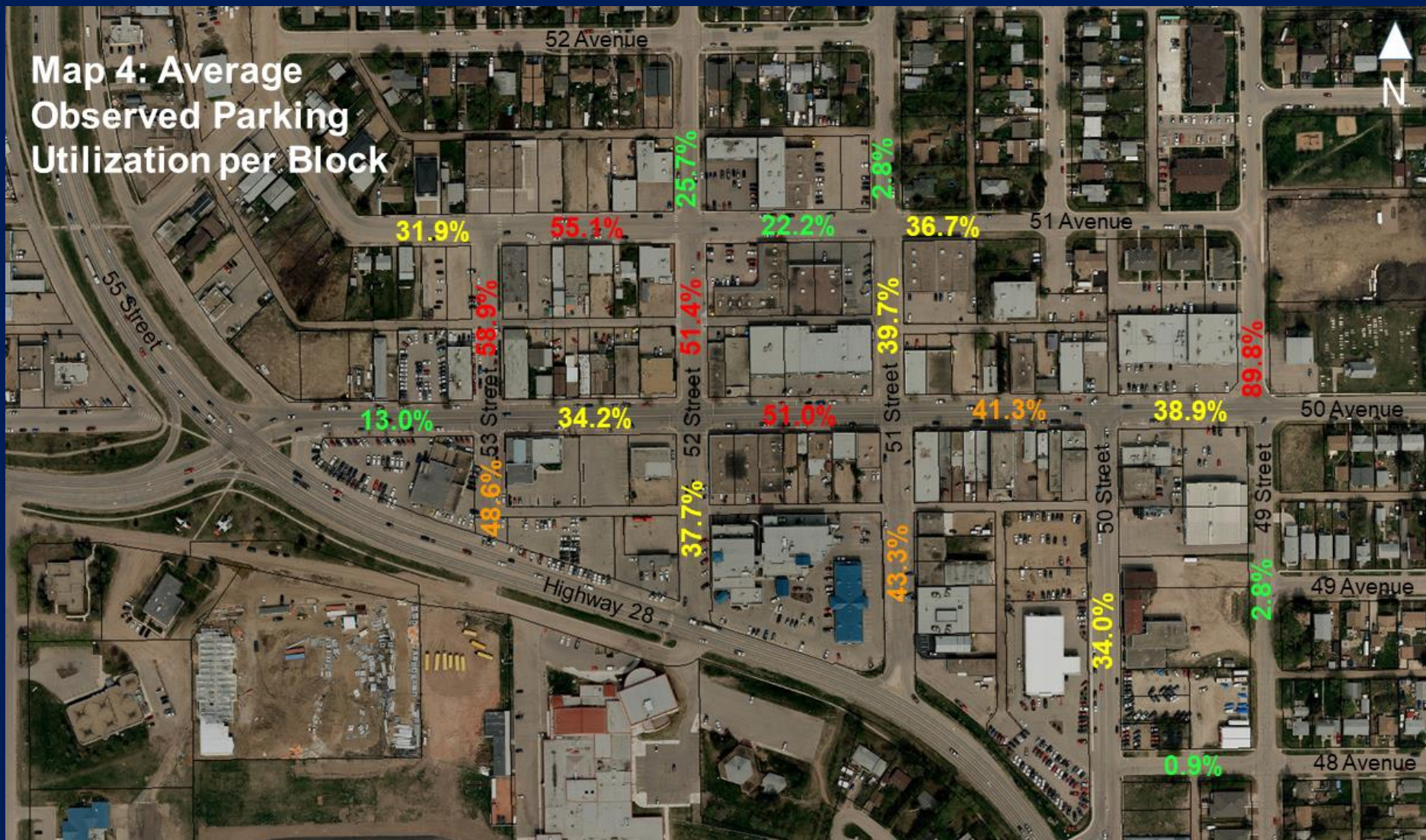


Downtown Parking Survey (2016)

- During the Summer and Fall of 2016, Administration conducted a survey of downtown parking demand
- The Survey indicated that the average parking demand in the busiest areas does not exceed 60% of the available on-street parking, with many blocks illustrating a substantially lower parking demand

Downtown Parking Survey (2016)

Map 4: Average
Observed Parking
Utilization per Block



Moving Forward

Options to Consider

- To facilitate discussion, Administration has identified a number of options that could be explored further to address parking within the downtown area:
 - Eliminate Parking Requirements;
 - Increased Use of Cash-In-Lieu;
 - Downtown Parking Overlay;
 - Enhanced Enforcement of Existing 2-hour time limits

Eliminate Parking Requirements

- Administration has noted only one municipality (Town of Stony Plain) that has eliminated parking requirements for new commercial developments within the downtown
- Advantages:
 - Easy to facilitate new developments
- Disadvantages:
 - Potential to impact other businesses
 - Increased pressure on on-street parking
 - Shifts responsibility to provide parking from the developer to the City

Increased Use of Cash-In-Lieu Provision

- The LUB Section 10.9(1)(b) contains a provision wherein the City could accept payment of cash-in-lieu of providing parking, with the funds collected used to provide parking elsewhere in the area
- This provision has seen limited use, as there is limited opportunity for the City to acquire land for parking
- Parking provided under cash-in-lieu also needs to be within a reasonable proximity to the development, otherwise, customers will not use it
- The City would need to establish a rate for cash-in-lieu, inclusive of land and construction costs to ensure consistent application

Increased Use of Cash-In-Lieu Provision

- Advantages:
 - May make some developments within the downtown viable that would not be otherwise
- Disadvantages:
 - Limited opportunity for the City to purchase lands for parking
 - Proximity of provided parking to the development which provided cash-in-lieu
 - Shifts responsibility to provide parking from the developer to the City
 - Time lapse between payment of funds and construction of parking
 - Necessity to track funds received

Downtown Parking Overlay

- An overlay is a land use tool used by a number of municipalities to provide variation to land use regulations for a particular area, as defined on a map
- An overlay could be used to specify a reduction in required parking for the downtown area by a specified amount (ie. Parking requirements within the overlay area are reduced by 30%)

Downtown Parking Overlay

- Advantages:
 - May make some developments within the downtown viable that would not be otherwise
 - Easy to administer through the permitting process
- Disadvantages:
 - Potential to impact other businesses
 - May be perceived as an unfair advantage by businesses located outside the overlay area

Enhanced Enforcement of 2-Hour Time Limit

- Much of the downtown area is currently covered by a 2-hour time limit to encourage turn-over and discourage long-term parking
- Despite the time limit, Administration has observed vehicles that appear to remain parked all day
- Enhanced Enforcement of the time limit could increase the available on-street parking by discouraging long-term parkers

Enhanced Enforcement of 2-Hour Time Limit

- Advantages:
 - Could provide immediate improvement in availability of on-street parking
 - Enforcement could be phased in with warning tickets given initially to educate drivers
 - Funds collected through fines could be dedicated to parking enhancements (similar to automated traffic enforcement)
 - Discourages downtown employees from using street parking
- Disadvantages:
 - Perception of being a revenue initiative
 - Staff time required to patrol regularly

QUESTIONS?

PART 10 PARKING AND LOADING FACILITIES

10.1 GENERAL PARKING AND LOADING REGULATIONS

- (1) The requirements on this Part shall apply to all parking and loading facilities required by this Bylaw.
 - (a) Notwithstanding the requirements of this Part, specific rules contained in any land use district shall govern the parking and loading requirements for that district.
- (2) If vehicles entering onto public roadways may exceed 9.00 metres in length the applicant may be required to provide evidence, in the form of diagrams that appropriate entrance geometrics have been incorporated, to the satisfaction of the Development Authority.
- (3) For the construction of a new building, the enlargement, or change of use of an existing building, which generates the need for new or additional parking or loading spaces, the owner of the building shall provide the required parking or loading spaces in a finished condition as required in this Bylaw, prior to the completion of development or first occupancy of the building, whichever is sooner.
- (4) In the event seasonal conditions prohibit the completion of lot surfacing, the lot shall be compacted and maintained in a manner to allow access by emergency vehicles, and all hard surfacing shall be completed within 1 year.
- (5) The applicant may be required to provide an irrevocable Letter of Credit or other form of security acceptable to the Development Authority to guarantee completion of the lot surfacing.
- (6) Parking areas which are intended for public use shall only be used for the temporary parking of motor vehicles and shall not be used for extended storage of motor vehicles.
- (7) Where the Development Authority finds that the use of a parking area is not in accordance with this Bylaw, the Development Authority may, by written notice of contravention, and/or written stop order notice, notify or order the registered owner, the person in possession of the parking area or the person responsible for the contravention or all, or any of them to:
 - (a) stop the use of the parking area in whole or in part as directed by the notice; or
 - (b) take such other measures as are specified in the notice so that the use of the parking area is in accordance with the Development Permit or this Bylaw as the case may be, within the time specified by the notice.
- (8) Notwithstanding the provisions of Section 10.1, all provisions of Section 5.3 are applicable at the discretion of the Development Authority.
- (9) Parking areas and loading spaces shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system and adjacent public roadways.
- (10) To facilitate the determination of parking and loading requirements, a parking and loading assessment prepared to a professional standard acceptable to the Development Authority, may be required to document the parking and loading demand and supply characteristics associated with the proposed development.

- (a) The Development Authority shall not be bound by any recommendations of such a parking or loading assessment, but may consider such recommendations in exercising discretion to allow a reduction of the minimum number of spaces specified in this Bylaw.
- (11) The Development Authority may refuse to grant a development permit to an applicant not fully complying with parking or loading requirements.

10.2 RESIDENTIAL USES

- (1) All residential parking stalls and loading spaces required by this Bylaw shall be located on the same site as the use requiring them.
 - (a) Surface parking areas for apartments are subject to setback and yard requirements of the districts where they are located.
- (2) The parking or loading stalls required for all residential uses shall be hard surfaced as defined in this Bylaw, as per the City of Cold Lake Municipal Engineering Standards, or as otherwise provided in a Development Agreement.
- (3) Parking or loading spaces for an apartment building shall not be located in the front yard of a site or between the front of a building and the boundary of the street on which the building faces unless otherwise approved by the Development Authority.

10.3 NON-RESIDENTIAL USES

- (1) The parking or loading stalls required for all non-residential uses shall be hard surfaced as defined in this Bylaw as per the City of Cold Lake Municipal Engineering Standards.
- (2) The location of on-site parking or loading spaces on a school site shall be to the satisfaction of the Development Authority.
- (3) Non-residential parking or loading spaces shall not be located in the front yard of a site or between the front of a building and the boundary of the street on which the building faces, unless otherwise approved by the Development Authority.
- (4) If a non-residential parking or loading area is located on a site immediately adjacent to a Residential District, the parking or loading area shall be designed as required by Section 10.2.

10.4 PARKING REQUIREMENTS

- (1) This Section is subject to Section 10.1, Section 10.2 and Section 10.3.
- (2) All parking spaces, loading spaces, manoeuvring aisles and driveways shall be surfaced and maintained to the satisfaction of the Development Authority.
- (3) All parking spaces, loading spaces, manoeuvring aisles and driveways shall be demarcated to the satisfaction of the Development Authority.

Appendix 2 for I.20181010001: Land Use Bylaw Parking Requirements

- (4) The parking or loading layout of all developments shall be designed, located and constructed to meet the following standards to the satisfaction of the Development Authority:
- (a) each parking aisle may have a curbed island at each end, measuring a minimum of 1.00 metre in width;
 - (b) In accordance with the City of Cold Lake Municipal Engineering Standards, any industrial or commercial parking lot containing more than 100 parking spaces and in which a parking space intended for visitor or customer use is further than 50 metres from the entrance to any destination building on the site, shall be oriented to ensure safe and efficient pedestrian traffic flow, and incorporated into any adjoining trail system;
 - (c) lot design shall provide for adequate stacking and queuing lanes for vehicles to ensure that traffic flow both on-site and on public roads is not adversely affected in any way;
 - (d) the parking or loading area must be accessible to and appropriate for :
 - (i) vehicles using it and the frequency of use; and
 - (ii) the parking or loading area must be appropriately surfaced and drained as required by the Development Authority.
- (5) Size of Parking Stalls and Drive Aisles:
- (a) parking angles may have a value of 90 degrees or range from 90 degrees to 45 degrees;
 - (b) unless otherwise allowed by the Development Authority, the minimum dimensions for the design of parking facilities shall be as set out in Figure 10.4-1: Illustration of Parking Standard Dimensions and Table 10.4-1: Minimum Parking Standards.

Figure 10.4-1: Illustration of Parking Standard Dimensions

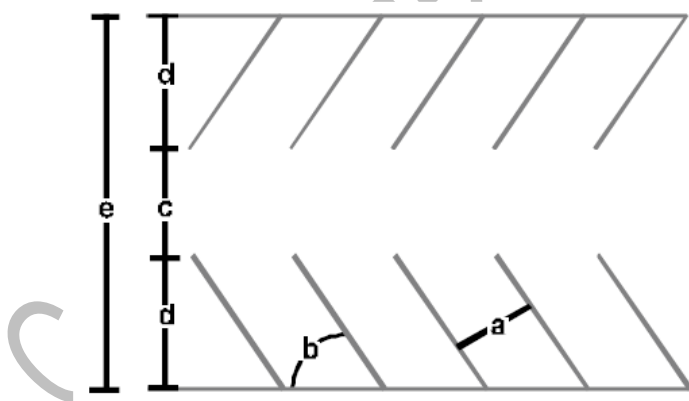


Table 10.4-1: Minimum Parking Standards

Stall Width (a)	Parking Angle(in Degrees) (b)	Aisle Width (c)	Stall Depth Perpendicular to Aisle (d)	Parking Unit Depth (e)
2.60	0	3.20	5.50	8.4
2.60	45	2.60	5.20	13.00
2.60	90	5.20	4.90	15.00

- (c) parking dimensions for parking angles between 90 degrees and 45 degrees shall be calculated using a straight-line interpolation between dimensions;
 - (d) for parallel parking, the length of the parking spaces shall be 5.50 metres;
 - (e) manoeuvring aisles and driveways serving as fire lanes shall be at least 6.00 metres wide;
 - (f) parking stalls shall be clear of all obstructions, other than wheel stops; and,
 - (g) the maximum grade of a parking stall shall not exceed 4% in any direction.
- (6) The portion or portions of a parking lot used for parking must:
- (a) be marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle; and,
 - (b) have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or buildings.
- (7) Wheel stops shall not exceed 0.10 metre in height above the parking stall surface and shall be placed perpendicular to the parking stall depth, 0.60 metre from the front of the parking stall.

10.5 NUMBER OF VEHICLE PARKING STALLS REQUIRED

- (1) Where the calculation of the required number of parking stalls or loading spaces results in a fraction number of parking spaces, the next higher number shall be taken.
- (2) Where a development falls within two or more of the categories listed in this Section, it shall comply with all parking regulations applicable to all of the categories.
 - (a) The highest requirement shall be used.
- (3) Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set.
- (4) Unless otherwise allowed by the Development Authority, the required number of vehicle parking stalls for any use shall be as set forth in the following tables (where Gross Floor Area = GFA and Dwelling Unit = du):

Table 10.5-1 Parking Requirements for Accommodation Establishments and Eating and Drinking Establishments

LAND USE	MINIMUM PARKING REQUIREMENT
Hotel/Motel/Bed and Breakfast	1 stall per bedroom sleeping unit (including suite) and 1 stall per 3 employees
Eating and Drinking Establishment	1 stall per 4 seats

Table 10.5-2 Parking Requirements for Businesses

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Entertainment Establishment	5.3 stalls 100 m ² + minimum of 3 staff stalls
Adult Retail Establishment	2.5 Stalls per 100m ² of GFA, with a minimum of 2.0 stalls per store
Greenhouse and Plant Nursery	3 stalls per 100m ² GFA plus a minimum of 2 staff parking stalls
Kennel	2 stalls plus a minimum of 1 staff parking stall
Automotive and Recreation Vehicle Sales and Rental	2 stalls per 100 m ² GFA designated for customer parking plus a minimum of 3 stalls for staff parking
Professional and Financial Services	2 stalls per 100 m ² GFA
Automotive and Equipment Repair	2 stalls per 100 m ² GFA
Industrial Vehicle and Equipment	0.5 stall per staff plus a minimum of 5 stalls for visitor parking
Personal Service Facility	2 stalls per 100 m ² GFA
Warehousing and Storage (except self-storage)	1.1 stalls per 100 m ² GFA up to 2000 m ² GFA and 0.2 stalls per 100 m ² GFA thereafter
Self-Storage	Minimum of 6 stalls for customers plus 2 staff stalls

Table 10.5-3 Parking Requirements for Education Services

LAND USE	MINIMUM PARKING REQUIREMENT
Elementary/Junior High Schools	1.0 stall per staff
Senior High School	0.5 stall per student and 1.0 stall per staff
College/University	0.4 stalls per student plus 1.0 stall/staff
Commercial School	0.7 stalls per student plus 1.0 stall/ staff

Table 10.5-4 Parking Requirements for Government Services

LAND USE	MINIMUM PARKING REQUIREMENT
Public Buildings and Services	4.1 stalls per 100 m ² GFA

Table 10.5-5 Parking Requirements for Health Services

LAND USE	MINIMUM PARKING REQUIREMENT
Child Care Facility	1 stall per staff on duty plus 0.2 stall per child
Health Service	1.1 stalls per 100 m ² GFA
Hospital	1 stall per bed
Supportive Living Accommodation	0.2 stall per bed plus 0.8 stall per staff
Veterinarian	4 stalls per 100 m ² GFA

Table 10.5-6 Parking Requirements for Residential Developments

LAND USE	MINIMUM PARKING REQUIREMENT
Single Detached Dwelling / Semi-Detached Dwelling/Duplex/Row house	2 stalls per du
Apartment – Bachelor / 1 Bedroom	1 stall per du plus 0.15 stalls per du designated as visitor parking
Apartment - 2 Bedroom	1.5 stalls per du plus 0.15 stalls per du designated as visitor parking
Apartment - 3 or more Bedroom	2 stalls per du plus 0.15 stalls per du designated as visitor parking
Secondary Suite	1 stall per suite
Secondary Suite – 3 or more Bedroom	2 stalls per suite <i>Amended on April 9, 2013, by Bylaw #474-LU-13.</i>
Manufactured Home Subdivision	2 stalls per du plus 0.15 stalls per du designated as visitor parking

Table 10.5-7 Parking Requirements for Social/Recreational Services

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Entertainment Establishment	5.3 Stalls per 100m ² + minimum of 3 staff stalls <i>Amended June 23, 2015 by Bylaw #559-LU-15.</i>
Participant Recreation Facility, Indoor	10 stalls per 100 m ² GFA
Casino	30 stalls per 100 m ²
Religious Assembly	5.0 stalls per 100 m ² of assembly area
Spectator Entertainment	5.3 stalls per 100 m ²

Table 10.5-8 Parking Requirements for Retail Business

LAND USE	MINIMUM PARKING REQUIREMENT
Adult Retail Establishment	2.5 stalls per 100 m ² GFA, with a minimum 2.0 stalls per store <i>Amended June 23, 2015 by Bylaw #559-LU-15.</i>
Gas Bar / Service Station	2.2 stalls per 100 m ² per GFA plus 1.0 stall per staff on duty
Convenience Retail / Retail Store	2.5 stalls per 100 m ² GFA, with a minimum 2.0 stalls per store
Shopping Mall	4.1 stalls per 100 m ² GFA

- (5) Where two adjacent developments can demonstrate to the satisfaction of the Development Authority that opportunities to share parking facilities exist, the Development Authority may consider an appropriate relaxation of the number of vehicle parking stalls subject to Section 10.8.

10.6 ON-SITE LOADING REQUIREMENTS

- (1) This Section is subject to Section 10.1, Section 10.2 and Section 10.3.
- (2) A loading space shall be designed and located so that all vehicles using that space can be parked and manoeuvred entirely within the bounds of the site without backing to or from adjacent streets.
- (3) A loading space situated within a setback distance from a street or lane shall not be counted for the purposes of this Section.
- (4) A loading space shall be a minimum width of 3.00 metres and a minimum depth of 9.00 metres and maintain a minimum overhead clearance of 4.30 metres.

- (5) The Development Authority, having regard to the types of vehicles that are likely to use the loading space, may change minimum loading space dimensions.
- (6) For apartment buildings or multi-attached dwellings with more than twenty (20) units, adequate loading space shall be provided to the satisfaction of the Development Authority.
- (7) Loading space requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific loading facility requirements are set.
- (8) Unless otherwise allowed by the Development Authority, the required on-site loading space for any use shall be as follows:

Table 10.6-1 Required Number of Loading Spaces:

USE OF BUILDING OR SITE	NUMBER OF LOADING SPACES
Eating and Drinking Establishment	1 space per 9000 m ² of GFA
Funeral Services	1 space per 9000 m ² of GFA
Health Service	1 space per 9000 m ² of GFA
Hotel	1 space per 9000 m ² of GFA
Light Industrial	1 space per 2000 m ² of GFA
Office Buildings	1 space per 9000 m ² of GFA
Public Building	1 space per 9000 m ² of GFA
Retail and Wholesale Sales	1 space per 9000 m ² of GFA
Spectator Entertainment	1 space per 9000 m ² of GFA
Warehousing and Storage	1 space per 2000 m ² of GFA

10.7 MULTI-USE OR MIXED USE DEVELOPMENTS

- (1) Developments containing or providing for more than one use shall provide parking stalls and loading spaces equal to the sum of the requirements of individual uses, unless the applicant can otherwise demonstrate to the Development Authority through the use of a qualified Transportation Engineer that there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements.
- (2) Parking and loading spaces for a shopping mall shall not be calculated on the basis of individual use within the mall, but rather the shopping mall parking space requirement shall determine the required number of spaces.

10.8 COMBINED OR SHARED PARKING

- (1) The Development Authority may allow two or more developments to share parking spaces.
 - (a) Up to 50% of the required parking may be combined or shared parking.
- (2) Permission to share parking spaces may only be granted by the Development Authority in the following circumstances:
 - (a) the developments are in close proximity to each other and within 100.00 metres of the site on which the parking spaces are located;
 - (b) the demand for parking spaces for each development is not likely to occur at the same time;
 - (c) the Development Authority is satisfied that the arrangement between the owners of the developments for the sharing of parking spaces is to be permanent unless an alternative permanent arrangement is made that is satisfactory to the Development Authority; and,
 - (d) an agreement acceptable to the Development Authority is provided.

10.9 PARKING EXCEPTIONS IN THE DOWNTOWN COMMERCIAL (C1) AND LAKESHORE COMMERCIAL (LC) DISTRICTS

- (1) In order to promote a pedestrian friendly environment within the Downtown Commercial (C1) and Lakeshore Commercial (LC) Districts and to encourage higher density mixed-use developments, the following shall apply:
 - (a) The Development Authority may give credit for on-street parking providing such on-street parking stalls about the development and provided that the use of said stalls have not been pre-empted by a fire hydrant, yellow-curb line, loading zone, entrance or some obstruction which prevents the use of the said stalls for public parking;
 - (b) If deemed acceptable, the Development Authority may:
 - (i) Accept payment-in-lieu of the number of off-street parking spaces deficient for a new development, expansion of an existing use or change of use of a building, which payment amount shall be based upon the amount of money Council deems reasonable (taking into consideration the current market value of land and the current construction costs) in return for the equivalent parking space to be provided by the City elsewhere in the District in which the development is proposed; or
 - (c) Notwithstanding the provisions of 1(a) and (b) above, the Development Authority may allow a reduction in off-street parking spaces required for a development if, in the opinion of the Development Authority, the proposal would not create an unacceptable demand for on-street parking and would not interfere with highway safety.

10.10 VEHICULAR-ORIENTED USES

- (1) Vehicle-oriented uses may include drive-through food and bank services, gas bars, services stations, drive-through vehicular services and other developments providing drive-in services in which patrons generally remain inside their vehicles.
- (2) Vehicle-oriented uses shall be located only where the Development Authority is satisfied that the development will not adversely affect the functioning of surrounding public roadways.
- (3) The minimum site width shall be as established in the District.
- (4) Queuing space shall be provided as follows:
 - (a) for drive-through food services, and other development having a service window, a minimum of six inbound queuing spaces shall be provided for vehicles approaching the service window; or,
 - (b) for drive-through vehicle services, a minimum of five inbound queuing spaces shall be provided for each service bay; and,
 - (c) queuing lanes shall provide sufficient space for turning and manoeuvring, and be maintained by the registered owner or lessee.

10.11 PARKING SPACES AND LOADING ZONES FOR VEHICLES USED BY PHYSICALLY DISABLED PERSONS

- (1) Parking spaces for physically disabled persons shall be located as close as possible to ramps, walkways, and building entrances.
- (2) Parking shall be arranged in such a way that users of wheelchairs are not required passing behind parked cars.
- (3) For conditions requiring more than two parking spaces for vehicles used by physically disabled persons, no more than two stalls shall be placed adjacent to each other. If there are several accessible building entrances, a stall shall be located near each entrance.
- (4) The design of parking spaces and loading zones for vehicles used by Physically Disabled Persons shall conform to the requirements of the Alberta Building Code.
- (5) Required number of parking spaces and loading zones for vehicles used by physically disabled persons for any use shall be as follows:
 - (a) parking for vehicles used by physically disabled persons shall be included as part of and not in addition to, the applicable minimum parking requirement;
 - (b) the number of parking stalls for vehicles used by Physically Disabled Persons shall conform to the requirements of the Alberta Building Code.

10.12 NUMBER OF BICYCLE PARKING STALLS REQUIRED

- (1) Unless otherwise required by the Development Authority, the required number of bicycle parking stalls for any use may be as set by the Development Authority.
- (2) Location of Bicycle Stalls:
 - (a) bicycle parking area shall be wholly provided on the same site as the building;
 - (b) bicycle parking area shall be separated from vehicle parking;
 - (c) bicycle parking area may be designed so that bicycles may be securely locked to the rack, railing or other similar device.

Downtown Commercial Area – Air Photo





City of *Cold Lake*

RECORD OF PROCEEDINGS OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD

IN THE MATTER OF THE "Municipal Government Act" being Chapter M-26 of the Revised Statutes of Alberta 2000.

AND IN THE MATTER OF AN APPEAL against the decision of the Development Officer on the Development Permit (Application No. 218080) for the change of use from vacant to cannabis retail store located at #103, 4817 51 Street within the City of Cold Lake (Plan 2425ET Block 1 Lot 9 & 10).

AND IN THE MATTER OF a Subdivision & Development Appeal Board (SDAB) Hearing held on Thursday, September 13, 2018 at 4:00 P.M. in City Hall Council Chambers located at 5513-48th Avenue within the City of Cold Lake to consider and determine certain preliminary matters and procedures.

BETWEEN

1710638 Alberta Ltd.

and

City of Cold Lake

BEFORE

Rob Brassard, Member (absent)
Barry Baumgardner, Member
Gary Bartman, Member (Chairperson)
Code Clements, Member
Thomas Curry, Member (absent)

ALSO PRESENT

Kristy Isert, Board Secretary
Stephanie Harris, Recording Secretary

OTHERS PRESENT

Alex Wang, Development Officer

CALL TO ORDER

The Board Secretary called the meeting to order at this time being 4:01 p.m. and welcomed those in attendance to the hearing.

INTRODUCTIONS

Board Members, Board Secretary, and Recording Secretary introduced themselves.

PURPOSE OF SUBDIVISION & DEVELOPMENT APPEAL BOARD

The Chairperson advised of the purpose of the SDAB.

CONFLICT OF INTEREST

The Chairperson asked the Board if any Member had a conflict of interest in hearing the appeal.

No Board Members expressed a conflict of interest.

OBJECTIONS TO ANY BOARD MEMBER

The Chairperson asked the Appellant if he had any objection to any of the Board Members hearing the appeal.

The Appellant stated that he had no objections to any Board Members hearing the appeal.

APPEAL OVERVIEW

At this time, the Chairperson asked the Secretary to summarize the appeal. The Board Secretary outlined the reason for the SDAB Hearing as follows: The Subdivision & Development Appeal Board has received an appeal of the decision of the Development Officer on the Development Permit (Application No. 218080) for the change of use from vacant to cannabis retail store located at #103, 4817 51 Street within the City of Cold Lake (Plan 2425ET Block 1 Lot 9 & 10).

The Chairperson confirmed with the Board Secretary that notices had been given out within the designated time frame (mailed on August 31, 2018).

The Chairperson asked the Board Secretary if any other written submissions were received in response to the notices. The Board Secretary advised that there were no written submissions received in response to the "Notice of Hearing".

As this time, the Chairperson asked that all questions/statements be directed through the Chairperson and that names be clearly stated for the record.

SDAB HEARING OPEN

The Chairperson declared the SDAB Hearing open at this time being 4:05 p.m.

DEVELOPMENT OFFICERS' STATEMENT AND PRESENTATION

Development Officer Wang provided a PowerPoint presentation highlighting the following:

- The applicant had applied for a development permit for a Change of Use to allow for the development of a Cannabis Retail Store in a vacant commercial space located at 4817 51 Street.
- A Change of Use is required whenever the occupancy of a building or commercial space changes from one use, as defined in the Land Use Bylaw (LUB), to another:

"CHANGE OF USE means a change in the use to which land, structure or building has been lawfully put from one use class as defined in this bylaw to another use class; or the introduction of additional uses beyond those existing uses to which land, structure or building has already been lawfully put."

- The space where the Cannabis Retail Store is proposed has been vacant since 2014, therefore a Development Permit for a Change of Use is required before the space can be used for any commercial purposes.
- The proposed use is for a "Cannabis Retail Store" as defined by the LUB:

"CANNABIS RETAIL STORE means a development used for the retail sale of cannabis authorized by provincial or federal legislation. This use includes the sale of Cannabis-related accessories but does not include the sale of liquor, tobacco or pharmaceuticals. This use does not include Cannabis Production Facility, Retail Store, or Medical Cannabis Dispensary."
- The property is currently zoned C1-Downtown Commercial. "Cannabis Retail Store" is listed as a Discretionary use in the C1 zoning district.
- The City's LUB was amended in early 2018 to incorporate requirements for Cannabis-related businesses.
- The sale of cannabis is regulated through the Alberta Liquor and Gaming Commission (AGLC).
- The majority of the amendments to the LUB are based on the requirements established by AGLC.
- The following table outlines the conformance of the application to the LUB requirements:

LUB Section 7.17(1)

Actual

A Cannabis Retail Store shall not be located within 100 metres metres of the boundary of a parcel of land on which any of the following are located:

- (i) A "provincial health care facility" (meaning hospitals as defined in the Hospitals Act);
- (ii) Any building containing a "school" (meaning a school as defined in the School Act);
- (iii) Any parcel of land designated as school reserve or municipal and school reserve in accordance with the Municipal Government Act;
- (iv) Any parcel of land containing a Public Park, Public Recreation Facility or Library;
- (v) A "Child Care Facility".

Conforms

LUB Section 7.17(2)

Actual

A Cannabis Retail Store must be located in either a permanent facility that is a free standing building that does not contain another business, or

N/A

A permanent facility that is in a building where there are other businesses within the building envelope, where the Cannabis Retail Store must have its own entrance and exit separate from the exit and entrance for any other business;

Conforms

A Cannabis Retail Store must have a common wall between the area to be occupied by the cannabis store and the area occupied by or to be occupied by any other business that is a solid floor to

Conforms

ceiling wall constructed of materials other than glass or transparent materials;

A Cannabis Retail Store must have its own receiving and storage area separate from any other business; and

Conforms

A Cannabis Retail Store must have signage at each point of entry prohibiting minors from entering.

As condition in Development Permit

LUB Section 7.17(3)

Actual

There must not be access between any part of a Cannabis Retail Store premises (including its public, receiving, and storage areas) and any part of any other business's premises

Conforms

LUB Section 7.17(5)

Actual

A Cannabis Retail Store and Medical Cannabis Dispensary must provide translucent or opaque window coverings on all exterior windows for the entire width and to a height that negates visibility into the store by passersby, to the satisfaction of the Development Authority.

As condition in Development Permit

LUB Section 7.17(4)

Actual

Neither a Cannabis Retail Store nor a Medical Cannabis Dispensary may have a drive through window.

Conforms

LUB Section 7.17(6)

Actual

Signage for a Cannabis Retail Store and Medical Cannabis Dispensary shall:

- (a) Prominently display the business name at all public access points to the premises;
- (b) Not use the terms "Alberta" or "AGLC" in a store name;
- (c) Not promote intoxication; include graphics which appeal to minors; show cannabis use; display intoxication; display a price or price advantage; identify a cannabis product or accessory; or display any sporting event or cultural activity; depict a lifestyle; endorsement; person; animal; make claims regarding beneficial health effects; or make statements regarding increased potency or concentration;
- (d) Not include the use of any term, symbol or graphic normally associated with medicine, health or pharmaceuticals.

No signage detail included in the application, separate application will be required

- The Land Use Bylaw does not specify a particular parking requirement for "Cannabis Retail Store". In accordance with LUB Section 10.5(3) the requirement specified for similar uses shall be used:

"Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set."

- In the review of Cannabis Retail Stores, the City uses the parking requirement specified in the LUB for Convenience Retail/Retail Store which requires 2.5 parking stalls per 100m² of gross floor area with a minimum of 2 stalls per store.

- Based on a floor area of 75m², this calculates as: 75m² X 2.5 Stalls/100m² = 1.875 stalls required
- Therefore, the Cannabis Retail Store requires 2 parking stalls in accordance with the LUB.

On-Site Parking:

- The property owner provided a letter indicating that the proposed Cannabis Retail Store would have access to the shared parking in front of the building (on the street) as well as two stalls on the property.
- The information supplied to the Development Officer was inaccurate, as the existing Eating and Drinking Establishment in the building (O2's Taphouse) has exhausted all of the available on-site parking, and itself required both on-street and shared parking to meet the LUB requirements.
- Therefore, there is no surplus parking on the property which can be allocated to the Cannabis Retail Store.
- The property at 4817 51 Street already includes an Eating and Drinking Establishment (O2's) which was approved in 2014. Parking for Eating and Drinking Establishments is based on the seating capacity of the facility. In the case of O2's, there are 160 seats in the establishment, with a parking requirement of 1 stall per every 4 seats. This works out to:

160 seats X 1 stall/4 seats = 40 Stalls required

- O2's met the parking requirement through a combination of on-site, on street and shared parking.
- There are 28 parking stalls on-site, the City was able to credit 8 on-street parking stalls in accordance with LUB section 10.9(1)(a):

"The Development Authority may give credit for on-street parking providing such on-street parking stalls about the development and provided that the use of said stalls have not been pre-empted by a fire hydrant, yellow-curb line, loading zone, entrance or some obstruction which prevents the use of the said stalls for public parking;"

- The remaining parking requirements were satisfied through a shared parking agreement with the neighbouring building in accordance with LUB section 10.8:

10.8 COMBINED OR SHARED PARKING

(1) *The Development Authority may allow two or more developments to share parking spaces.*

(a) *Up to 50% of the required parking may be combined or shared parking.*

(2) *Permission to share parking spaces may only be granted by the Development Authority in the following circumstances:*

(a) *the developments are in close proximity to each other and within 100.00 metres of the site on which the parking spaces are located;*

(b) *the demand for parking spaces for each development is not likely to occur at the same time;*

(c) *the Development Authority is satisfied that the arrangement between the owners of the developments for the sharing of parking spaces is to be permanent unless an alternative permanent arrangement is made that is satisfactory to the Development Authority; and,*

(d) *an agreement acceptable to the Development Authority is provided.*

- 11 additional parking stalls were made available bringing the total to 47, which exceeds the minimum requirement
- However, the use of the shared stalls by O2's is permitted only after 5:00pm, when the offices next door close, in accordance with the agreement.
- Therefore, the shared stalls satisfy the peak parking demand for the restaurant which would occur during the evening hours.
- The shared parking cannot be considered to meet the daytime parking needs for the subject property per Section 10.8(2)(b), nor is there excess parking available to support additional tenants in the building.
- The Development Officer approved the application on the basis that the LUB requirements for parking had been satisfied.
- Upon review, it was determined that the applicant provided the Development Officer with inaccurate information regarding the availability of on-site parking to accommodate the proposed Cannabis Retail Store.
- Administration recommends that the Subdivision and Development Appeal Board REVOKE the decision of the Development Officer on the basis that the permit was approved on the basis of inaccurate information.

QUESTIONS FROM THE BOARD

Barry Baumgardner, Member: Does one person own that location? Who gave away all of the parking spots? Did you agree to that?

Keith Halabi: We were not okay with that.

Barry Baumgardner, Member: So when the applicant came to the City, he thought there was 8 parking spots. The City had knowledge that the spots had been given away. Who made the mistake? The Development Authority gave all the parking spots away. Did the owner agree to give it all away?

Keith Halabi: No

Gary Bartman, Chairperson: Interjected to remind the attendees to hold comments under the specified time period.

Alex Wang: The existing parking belonged to the restaurant. The Development Authority knew there were no spaces. I reviewed this Application but I did not know the issues regarding parking from 2014. I made the decision based on the information that I was provided.

Code Clements, Member: Was the parking not registered on the title?

Keith Halabi: No, there is no agreement.

Alex Wang: No, there is no parking agreement. I will double check this. No, there was no agreement on title.

Barry Baumgardner, Member: Were the spaces open then? Were they not given away, were they attached to O2's?

Code Clements, Member: The building in question, what is the percentage of use by the cannabis store? Does O2's stop at the bigger building?

Keith Halabi: The cannabis store is 75 square meters. The building is two stories but the upstairs of the building is vacant.

Barry Baumgardner, Member: The big building is 75 square meters? Is it in the same building?

Keith Halabi: Yes it is in the same building. Approximately 10% of the building will be the cannabis store.

Barry Baumgardner, Member: How many businesses are in there?

Keith Halabi: On the corner, only the cannabis store. The rest of the building is only one business, O2's.

Barry Baumgardner, Member: I don't understand why the parking spots don't exist, how were they given away. Where did they get the information of having 8 spots available, they must have got it from somewhere?

Code Clements, Member: Is the owner of O2's also the owner of the cannabis store?

Gary Bartman, Chairperson: Interjected to remind the attendees to hold comments under the specified time period.

Keith Halabi: No, they are different. There are 3 different parties, will explain when it is my turn to speak.

OTHER REPRESENTATIVES ON BEHALF OF THE DEVELOPMENT OFFICER

Howard Pinnock, Planner was present on behalf of the Development Officer.

Howard Pinnock stated that when O2's was approved in 2014, shortly after he started at the City, there was a long discussion regarding parking. The building was renovated in order to put O2's in. Howard Pinnock advised that the City explained at the time that parking is based on the use of the building. An office would not need as much parking as a restaurant. A restaurant needs one parking stall per four seats. We had a discussion how big the restaurant should be based on the parking situation. The restaurant decided they wanted 160 seats which required a large amount of parking. In order to use that much parking for the restaurant, the developer would have a hard time for finding spaces to rent the rest of the building. Howard Pinnock advised that the developer knew they would not have enough additional parking and that as Alex explained, we cobbled together 28 spots, 8 on the street (given credit for), and shared parking after the law firm finishes for the day.

Howard Pinnock stated that he had to admit that the planning department missed this issue at the time they approved the recent application. Alex was not with the City at the time back then. When Alex received the application and did not know the full case, he went ahead and approved it. Howard Pinnock advises that he accepts responsibility, it was the planning department's error not reviewing the historical situation and now we must proceed from there.

QUESTIONS FROM THE BOARD

None.

APPELLANTS' STATEMENT AND PRESENTATION

Ben Fedeyiw stated the following:

Good afternoon members of the appeal board. Thank you for your full attention to this matter.

Today I come to you as coco-owner of Budget Blinds and a co-owner of the property at 4819 51st Street. Reason for my appeal is quite simple. I am here to challenge the City of Cold Lake's own parking by-laws. They appear to be in breach of their own rules.

When O2's first came into town I received a call (don't know if it was you or your representative) from the owners group asking us to take down our chain link fence and move it over 12 feet so they could access our property for more parking stalls to meet the needs that the city had requested. I denied their request as this would compromise my parking and our commitments of parking to the City.

A few weeks later I had learned that Todd & Drake had allocated some stalls so that O2's could meet the city's parking bylaws. My question again was how can a three story full occupied business centre give up parking stalls that they do not have? That's after 5 so understandable.

When I asked the city administration this they advised me that O2's had met the parking requirements by exhausting all of their parking choices even including the empty spaces between the restaurant and us.

Fast forward three years and we get a letter in the mail with an incorrect address of a retail store opening up. When I called to confirm the address the planning officer, Alex, tells me that the address was incorrect and tells me the correct address is next door to us. When I asked him about how the store parking was going to work, I was told that the O2's owner group would allot two parking stalls of theirs to the new retail store.

When I asked him how they can give up the stall when they don't have stalls to give up I was asked how I knew this. He was kind of dumb founded. Was not their intention for me to forget? Was the planning commission hoping people would forget? This is a discretionary use permit that seemed to have missed council and MPC.

O2's is not giving up parking stalls as they do not have parking stalls to give. This was confirmed by the City of Cold Lake by not giving O2's a variance on parking on their recently new roof top expansion.

Basically O2's will close for 30-40 spaces below to accommodate to use upstairs. Shows me no parking is available. They have pulled some inside restaurant seating to differentiate for the upper loft seating. O2's permit is for seating for 160 people which equals to 40 parking stalls.

Parking bylaws are in place to protect my business and my property. If this goes through- will have a financial impact to our business and the business next to us as our tenant. Both are retail stores that rely on street parking. We have been a law abiding business and land owners and have a substantial investment in our property. We take a lot of pride in our property and chose the great community of Cold Lake to do business in.

Our fear is that this will decline business and property values. We see the impact that the lack of abiding to the parking by-laws has done to a business in our downtown. We heard concerns of serious parking struggles at the application of the Grande Parlour at BeanTrees. As the community celebrates the success of one business we are not celebrating the closure of another business "The Finishing Touch." Now the business sits empty because lack of parking and will have a hard time selling. Who wants to buy a retail store front business when parking is non-existent?

Thank you for your time and listening to my concerns.

OTHER REPRESENTATIVES ON BEHALF OF THE APPELLANT

None.

QUESTIONS FROM THE BOARD

Code Clements, Member: The Finishing Touch has closed? Was the main factor there parking?

Ben Fedeyiw, Appellant: Yes it has closed. The Grand Parlour came in, this packed the downtown with people. There were serious questions with parking. The parking issue was probably the nail in the coffin. We are already having parking issues, the decline of businesses, after so many years of being there.

Barry Baumgardner, Member: How many spaces do you have and how does this new business change this, is this detrimental to your business?

Ben Fedeyiw, Appellant: Now things here are quiet. The lunch rush comes in and operates until 4 or 5 pm. During lunch rush there is parking available. We don't mind, we are okay to add another level, we are not busy right now as a community. When O2's first opened, it was crazy busy. We had to call the bylaw guys for people parking in the back alley, trucks couldn't move. But you would call at 11 am and they would only return your call at 3 or 4 pm, and by that time the vehicles were gone. I think parking will be strained, the tenant next door to us is also retail. We aren't Edmonton's Whyte Avenue, if you can't park in front of the store you are going to, people won't walk in. People in Cold Lake won't walk to come to our store, they will go somewhere else.

Barry Baumgardner, Member: Who is the tenant next door?

Ben Fedeyiw, Appellant: Muse Inspired, it is a clothing store.

Barry Baumgardner, Member: And they have no parking spaces too?

Ben Fedeyiw, Appellant: There is 4-5 stalls for both businesses on the street.

Barry Baumgardner, Member: How many people park in the back?

Ben Fedeyiw, Appellant: The staff leave parking in front for the customers. However, for wheelchair access, it is easier in the back.

Barry Baumgardner, Member: Have there been times where there is no parking available?

Ben Fedeyiw, Appellant: I put up signs for 2 hour max parking in front of my store. This new store will add another level of parking issues. Todd and Drake's staff already park up front on the West side. There is 11 stalls for 10,000 square feet. They do not have enough parking. I have written nasty notes to their staff not to take up all of our spots.

Barry Baumgardner, Member: I have a question to Howard for clarification. Several places have parking reserved for their customers. Can cars be towed if they park in front of another business?

Howard Pinnock: No, this is not done here in Cold Lake.

Barry Baumgardner, Member: For example, the Energy Centre has parking for their staff and the sign says you will be towed.

Howard Pinnock: Yes this is for private parking lots, but it does not apply to street parking.

No further questions.

STATEMENT FROM ADJACENT OWNERS OR AFFECTED PERSONS "IN FAVOUR" OF THE APPEAL

None.

QUESTIONS FROM THE BOARD

None.

STATEMENT FROM ADJACENT OWNERS OR AFFECTED PERSONS "OPPOSED" TO THE APPEAL

Keith Halabi stated that:

I have documentation to hand out to everyone. It will go along with what I am about to say. I have never done this. I don't mean to come off rude. I am a very nice guy, I have never been through one of these hearings. We are here with respect to the cannabis store space. I am one of the owners of the building. The issue at hand is not as simple as a license. This could make our building 50% unusable. O2's has 50% of the building. We have been spending a lot of money and working with the City, filling only 50% of the building would not be a feasible investment. Ben from Budget Blinds is here making a claim that parking affecting business. His business is only open till 4:00pm and is closed on weekends. The clothing store is only opened until 5:00 pm and it is closed on Sundays. O2's is busy on weekend and evenings. There is not too much traffic from the other businesses. Ben has parking potential in the back of his property, but it is fenced off and the barbwire around it does not help. His clients can park in our lot— our lot is open, and there are no signs to be towed. We don't mind if his clients park in our lot.

Yes, we did approach him earlier but we didn't ask for him to take the fence down. We asked to come to an agreement to lease or purchase some stalls from him, he chose not to and that is his right. Based on his building size..... the bylaws keep just getting thrown out. Both of those business need six stalls roughly now. There is more than eight in front of us and six in front of his.

I personally don't know. I haven't been to a board meeting before, I don't understand how to go about this. He could alleviate some of his issues to put parking on his property for his customers. For him not to do that and affect us at the same time, is not fair. He kind of has his cake and can eat it too.

We have invested two million dollars into this building. We did this for a sound investment. This investment, bettered Main Street and provided jobs etc. We have been using only one address and we are asking to use a second address. How can you be given four addresses and only be able to use one? We have been paying taxes, only using 50% of the building but paying on 100% of the building taxes. We were told by the City with respect to fire safety between the buildings we required separate utilities, HVAC systems, the sewer line was cut from 51 Street, which we did. We paid for the potential building at full capacity. The City demanded three steel I-beams to be installed in order to support the 2nd floor. The building was basically falling apart before we purchased it. Why would we put hundreds of thousands of dollars into that building if we could not use the second space there? I-beams are 10 thousand dollars apiece, and that does not include pilings or posts. This was something the engineers asked us to do.

You can see from the Planning and Development department, we were given four addresses. If you look on the second page of the package I provided, it shows the addresses the City provided for us.

Their engineering drawings, the specs that the City demanded us to do. This gives you an idea of the scope of work we were required to do for this building.

If you look at pages 6-9 of the package, I have blacked out the city employee names out from the emails. I didn't want anyone to get in trouble with the City. I understand they are just doing their job. If you look on page 6. In the emails we were asking for word on parking to move forward to remove the condition in place to purchase the building. See page 7 and page 8. The parking comes into line, no argument on the 8 stalls or 11 from Todd & Drake or 28 in the back of the space but credit for am/pm use of office was given. The office only operates during the day and the bar mostly at night, so they do not really mix. Again, I blacked out the names. The email says here- almost done reviewing, and have gotten the okay for those additional 10 parking spaces. Page 9 is an email dealing with the Planning and Development department and paying for the building. The last line of the email says "As for the parking, with the future parking lot being finished, you will have more than enough parking." The October 27, 2014 email, that line says everything. We are in the right. We have consulted advisors. We strongly feel we are in the right, we want to work with the City and our neighbors.

On page 10, 11, and 12 is a breakdown on the approval. On page 11 is what we have done, in good faith for everyone in Cold Lake. We have added 2 parking stalls, labelled as A & B. You can see the 24 are original, we made the 28 Stalls in the back to 30 stalls. 57 spaces total. Full capacity for the business is 40 stalls for O2's, 6 for main floor and 10 for the office which equals to 56 stalls. We assumed we had 57, though we actually had. We removed conditions and spent one million dollars to buy the building that was practically falling down. We are not dealing with office or other space. You need 40 spaces for O2's and 2 for new retail store which equals 42 stalls.

Howard was right. There was lots of talk, we had meetings with the city- we would not have spent this money- and I don't lie we thought it had benefit to us - not going to lie. We didn't jam anything down anyone's throat. As of today we need 42 stalls. That being said a bonus acting in good faith strictly because this sorry if I am coming off strong but I am very frustrated to have 50% building basically unusable. When I have used my family's money - 50% means nothing there is no point to that. O2's will reduce from 160-100 occupants until 5pm back to 160 after 5:00 pm. At that time the law office and the neighbors are closed. O2's has eliminated 2 stalls. Now with the rooftop patio, they have eliminated the glass door. They will use concrete blocks and are donating garage door in order to add 2 more parking stalls. Jamie has agreed, all he needs is 2 stalls for his business, they can be at the back or the front, he is flexible. We also have letters from both of them stating they are willing to do that.

These changes- this total has a positive of 17 spaces before 5:00 pm and 2 after 5:00 pm. We were driving around earlier today, we don't take Ben's issues lightly. We want him to succeed in business. One thing to possibly help, and we will pay for it if the City want us to. We suggest to paint lines on the street in order to control the parking so people don't park too far away from each other. If we also put lines across the street for the parallel parking, it will ensure all of the spots are used to their full potential. We will pay for the lines in front of everyone's stores if it helps alleviate his pain. We would not have invested the money in this space.

The Municipal Development Plan stresses that the City wants to promote commercial development and to promote employment. The cannabis store will provide 12-15 jobs for the City. The MDP provides a vision for 2037, and it is for compact and orderly development and creating a diverse economy. Based on our location which is a mixed use village, high density high walking etc. In the end, regardless of what parking stalls we use or whoever. Our tenants at the O2's provide 30-40 jobs and the new business will provide 12-15 jobs. This helps make a vibrant downtown and main street, which is better for everyone.

In closing, I feel that we do have sufficient parking and do not need to make adjustments. We have agreed to make adjustments to be good neighbours and respectful members of Cold Lake. This approval means more jobs which benefits everyone and this improvement is vital to our property. The

economy has been bad so we haven't had tenants. What would have happened if we had tenants the next day? A side note, the safety and fire marshals say the fire occupancy is actually 330 people for O2's. They too have agreed to not try for 330. They are less than half and have agreed during the day time reducing by another 60 seats. We are in the positive having 15 stalls. This helps our neighbor and anyone else who needs it.

QUESTIONS FROM THE BOARD

Barry Bartman, Chairman: What are the proposed hours of the cannabis store?

Keith Halabi: 10:00 am or 11:00 am till about 10:00 pm at night. Majority of the business will be done late afternoon to evening. People might stop on their way home. It wouldn't be too good if people were going there at 10:00 am (laughter).

Keith Halabi: I forgot to respond to the earlier questions. The ones I couldn't answer earlier, when it wasn't my turn to respond. The space for the store is 6% of the building and Howard mentioned the City missed it. Well Keith mentions that he missed this 2 million dollars being spent. This issue shouldn't be transferred on to our shoulders. When O2's installed the patio, they didn't ask for additional parking. O2's didn't want to chew up more parking in case of this scenario. They only would use the patio in the summer. The owner is overseas. They do own a portion of the building as well but I have nothing to do with O2's. A summer patio was built because you can shoot cannon there, it's dead in the summer because everyone's at the lake. The seats downstairs are never full. A patio is a move for them to stay above water in summer. Other than maple flag, which the owner admits can get busy down there. Nothing is really going on there though the week. We touched on businesses closing. We had to shut another business in Edmonton but this was not because of parking. It is due to lots of other reasons such as online shopping, and amazon etc. We have no clue why the other business closed downtown but it was not because of the parking. And it is not fair to say it was just parking.

Code Clements, Member: Is it time to make sure the parking figures are attached to the title. So there is some legality to them. figures are 50% may be less some of the parking is credited at 50% used after 11 behind 5 ½ actually.

Keith Halabi: Can tell you, Have figures there, we got them. We would like to also legalize them so the next Development officer doesn't get into this situation again. We would love that solution.

Code Clements, Member: You are only partial owner of the building? Is it time to make sure these figures are attached to Title?

Keith Halabi: Yes. The owners of O2's owns a portion of the building, but I don't own O2's. I would love to put it on Title. I am sure the owner of O2's would as well, but they are overseas right now. Sure they would be happy with that. Who makes that decision? It would be great to say how many stalls so we would not have to revisit this issue.

Code Clements, Member: The City would make that decision, yes.

Barry Baumgaudner, Member: How must space is still available in the building?

Keith Halabi: We have 2 more retail spaces on 2nd floor, vacancy up there. It will be shaped like an "L". The cannabis store is taking 2/3 of 1. There would only be one more tenant. The second floor required more exits and beams. We would love to rent- but it is still on studs. We would not be able to rent it anytime soon. No office with the economy right now is coming near that. I wish we could fill it, if you know someone, please let us know.

SUMMARY OR REBUTTAL BY THE DEVELOPMENT OFFICER

None.

SUMMARY OR REBUTTAL BY APPELLANT

None.

FINAL QUESTIONS FROM THE BOARD

None.

CHAIR TO THE APPELLANT

The Chairperson asked the Appellant if he felt he had a fair and impartial hearing. The Appellant indicated that he felt the hearing was fair and impartial.

The Chairperson advised all present that in accordance with the *Municipal Government Act*, the SDAB would render a "written" decision within the next fifteen (15) days.

SDAB HEARING CLOSED

The Chairperson declared the SDAB Hearing closed at this time being 5:04 p.m.

DELIBERATION OF THE APPEAL

The SDAB Members discussed the merits of the matter before them.

It was acknowledged that the Development Permit Application No. 218080 dated July 25, 2018 by Jamie Shtay (NuNu) for a "change of use" from vacant to a cannabis retail store located at 4817 51 Street (Plan 2425ET Block 1 Lots 9 & 10) was approved by the Development Authority. One (1) appeal with respect to the "approval" of the development application for a "change of use" to a cannabis retail store located at 4817 51 Street (Plan 2425ET Block 1 Lots 9 & 10) was received from 1710638 Alberta Ltd.

The SDAB acknowledges that the property in question is located in the Downtown Commercial (C1) district. Cannabis Retail Store is listed as a discretionary use in the C1 zoning district. The Land Use Bylaw defines discretionary use as:

those uses of land or buildings consistent with this Bylaw for which a development permit may be issued only at the discretion of the Development Authority.

Section 642(2) of the *Municipal Government Act*, RSA 2000, c M-26 states that:

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.

The SDAB understands that the Appellant's appeal is related to the parking requirements and not the use identified in the Development Permit.

The Board accepts that the Development Authority approved the Development Permit Application No. 218080 on the basis of information provided by the applicant. The Development Authority acknowledged that the Development Authority did not look into the information provided to confirm whether the information was accurate or calculate the parking availability based on adjacent property uses. The Board accepts that the proposed development conforms to all site requirements under the LUB; the issue is whether the development satisfies the parking requirements under the LUB.

When the Development Authority approved the Development Permit Application No. 218080, the decision was made on the basis of the applicant's submission that the development would have access to shared on-street parking in front of the building and two (2) parking stalls on the property.

The LUB lacked guidelines in regards to the parking requirements for a "Cannabis Retail Store" operation. With the lack of any guidelines, the Development Authority applied the parking requirements for a Convenience Retail/Retail Store which requires 2.5 parking stalls per 100m² of gross floor area with a minimum of 2 stalls per store.

The SDAB understands that since receiving the appeal, the Development Authority calculated the available parking based on the number of available parking stalls in 2015 when the existing development at 4817 51 Street was approved. Based on these calculations, the Development Authority is of the position that there are only 28 onsite parking spaces, 8 on street parking spaces and 11 shared parking spaces (for use after 5:00 PM) available at the building where the development would be located. On the basis of the adjacent business, O2's requiring 1 parking stall for every 4 seats of a 160 seat establishment, 40 parking stalls were required.

The SDAB acknowledges that the number of parking stalls required is based on the use and that every change of use requires an evaluation of parking. The Board understands that the Development Authority is of the position that there are no parking stalls available for future developments given the current use of the building.

The SDAB accepts the submission of Mr. Halabi that the number of parking stalls available has changed since the adjacent business O2's, was approved which makes more parking available:

- The garage door at O2's will be eliminated making two (2) more parking stalls available behind the building.
- The number of seats in O2's before 5:00 PM will be reduced from 160 to 100 seats reducing the daytime strain on parking by 15 parking stalls.

The Board understands that the information concerning the changes being proposed to create more parking stalls was not provided to the Development Authority prior to this appeal.

The SDAB acknowledges that the City of Cold Lake Municipal Development Plan includes several references that support increased commercial development and redevelopment:

- An objective of commercial development is the promotion of commercial development that generates opportunities for local employment (page 32);
- The "Vision for the Future" includes "A community committed to sustainable growth management principles by promoting more compact and orderly development" (page 9);
- Strategic priority number 6 states that "There is a need over time to diversify the economy, provide for expanded employment opportunities and promote new economic opportunities" (page 11);

- An acknowledgement that sustainable development is characterized by “higher density development so land and existing infrastructure is used efficiently and public transit can be supported” (page 14).

The SDAB acknowledges Mr. Halabi’s reference to the City of Cold Lake Municipal Development Plan and submission that new businesses may revitalize the downtown, improving traffic to commercial areas and provide jobs.

The SDAB acknowledges the appellant’s anecdotal evidence regarding the potential negative impact the proposed development could have on the downtown by increasing strain on parking, and observation that a downtown business recently closed in part because of parking strains. The SDAB was not provided evidence to support the statement that another business closed downtown due to the lack of parking.

CONSIDERATION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The SDAB considered whether the development permit application should be upheld or revoked.

DECISION

Based on the evidence, information and arguments presented to the SDAB, the **decision** of the Board is to UPHOLD the decision of the City of Cold Lake’s Development Officer to issue a Development Permit (Application No. 218080) for a change of use to cannabis retail store.

REASON FOR DECISION

The Subdivision & Development Appeal Board felt that a Development Permit (Application No. 218080) for a “change of use” to a cannabis retail store at 4817 51 Street (Plan 2425ET Block 1 Lots 9 & 10) ought to be upheld (appeal denied) for the following reasons:

1. The SDAB recognizes the appeal before it is an appeal de novo, meaning the SDAB considers the application for a Development Permit afresh, based on the evidence and submissions at the hearing. Therefore, any procedural or substantive error alleged to have occurred during the initial consideration of the application is immaterial.
2. The proposed development conforms to all site requirements under the LUB. The Appellant raised concerns about the compatibility of the proposed with neighbouring uses based on parking.
3. The SDAB was satisfied with the evidence provided that there will be sufficient parking stalls available to satisfy the requirements of the LUB. While the proposed development will result in an increase of traffic to the area, the changes proposed to increase the number of parking stalls available at O2’s and to decrease the number of parking stalls needed by O2’s by reducing seating during the day, will result in an increase in the number of available parking stalls sufficient to address any increase in demand as a result of the cannabis retail store.
4. Approval of the proposed development is consistent with the Municipal Development Plan call to diversify the economy, provide for expanded employment opportunities and promote new economic opportunities.
5. While the full impact of the proposed development on parking cannot be fully evaluated, given the increased number of parking stalls being made available, any negative impact on adjacent property owners should be minimal.

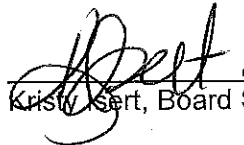
6. In the alternative, even if the number of available parking stalls were insufficient to satisfy the requirements of the LUB, the SDAB concludes the proposed development will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, and value of the neighboring parcels of land because parking is available to the public on adjacent properties and visits to the cannabis retail store will predominantly occur later in the evening and be of short duration. In the alternative, the increase in traffic to the downtown commercial area may have a positive impact on adjacent property owners.

ADJOURNMENT

The Chairperson adjourned the deliberations at this time being 5:25 P.M.



Gary Bartman, Chairperson



Kristy Sert, Board Secretary



Issue Summary Report

Parking Requirements within the Downtown Commercial Area

Executive Summary

Administration has been examining parking trends within the downtown commercial area, stemming from a previous request from the Cold Lake Regional Chamber of Commerce asking that the City consider reducing the minimum parking requirements for businesses within the downtown.

Background

Administration has been examining parking trends within the downtown commercial area, stemming from a previous request from the Cold Lake Regional Chamber of Commerce asking that the City consider reducing the minimum parking requirements for businesses within the downtown as specified in the Land Use Bylaw (LUB).

From a community planning perspective, some municipalities choose to limit parking within certain areas to promote a more pedestrian-friendly environment as well as to encourage the use of public transit or other alternative forms of transportation. Conversely, reducing parking requirements in downtown areas can have unintended consequences. A common issue occurs when on-street parking from commercial areas overflows into residential neighbourhoods adjacent to the downtown, causing disruption for residents. Reducing parking requirements can also ultimately harm the businesses that it was intended to aid, as a lack of available parking (or at least the public's perception of a lack of parking) can cause customers to go elsewhere.

As part of the overall LUB review, Administration examined the LUBs of other cities and towns with a population between 10,000 and 20,000 (Town of Beaumont, City of Brooks, City of Camrose, Town of Canmore, Town of Chestermere, Town of Cochrane, Town of High River, City of Lacombe, Town of Stony Plain, Town of Strathmore, Town of Sylvan Lake, City of Wetaskiwin, Town of Whitecourt). Out of the 13 comparable communities, 3 provide some allowance to reduce the required parking within their downtowns. The City of Lacombe's LUB allows its Municipal Planning Commission to consider parking reductions on a case-by-case basis, dependent upon the nature of the proposed development. The Town of Strathmore allows their Development Authority to exercise similar discretion. The Town of Stony Plain does not require businesses to provide parking within mixed residential/commercial areas, provided that full parking requirements are met for the residential component of the development. This approach requires the on-street parking to absorb the parking demand for all businesses within this area.

In reviewing the recommendations of a significant parking study prepared for the City of Edmonton, Administration found that the two primary justifications for commercial parking reductions were: 1) proximity to major transit stations or streets with frequent transit service and 2) proximity of higher density residential development. Within Cold Lake's downtown, neither the City's transit service, nor the adjacent residential areas, are currently developed to a stage that would justify reducing parking requirements for businesses.

Section 10.9 of the City's LUB currently provides a number of options specific to parking within the Downtown:

- The LUB allows the City to give credit for any on-street parking directly abutting the development. Administration notes that none of the comparable municipalities offer this option;
- The City can consider the payment of cash-in-lieu of providing on-site parking for the development. This appears to be a common practice among the comparable municipalities. Typically, the City will only exercise this option when there is a reasonable probability that the City can, in a timely manner, use the cash-in-lieu received from the developer to provide public parking within close proximity to the development.
- The LUB allows the Development Authority to consider a reduction in off-street parking requirements if it can be demonstrated that the proposed development would not create an unacceptable demand for on-street parking. This clause appears nearly identical in terms of intent with what the City of Lacombe and Town of Strathmore LUBs provide.
- Section 10.8 of the LUB also allows for one or more developments/businesses to share parking facilities where it can be demonstrated that the demand for parking between the developments would not have significant overlap.

From Administration's research, it appears that the City's LUB is among the most flexible in terms of providing developers with options to meet, or in some cases reduce, their required parking within the downtown area. It is also important to remember that the LUB regulations are the minimum amount of parking that must be provided, which may be less than is actually necessary to meet the needs of a specific development. Given the degree of flexibility offered by the existing LUB, Administration would not recommend pursuing a reduction in the parking requirements for downtown businesses.

To research this issue further, Administration conducted a survey of downtown parking during August and September 2016. Staff systematically walked the downtown area and recorded the number of vehicles parked in each block. Observations were made on Wednesdays at 10:00am, 12:00PM and 2:00pm to provide a sample of parking utilization on a "typical" weekday when all businesses within the downtown would be expected to be open. The total number of parking stalls available in each block were estimated using the City's GIS mapping and accounting for areas where parking is restricted, such as driveways, loading zones, crosswalks, bus stops, etc. Parking stalls within the downtown are currently not demarcated on the pavement, making a physical count of stalls impossible. All block faces which directly abut commercial properties were included in the survey. Map 3 identifies the block faces included in the survey along with the estimated number of available parking stalls for each block.

The results of the survey indicated that the average parking utilization within the defined downtown area as a whole, typically fell in the range of 35-45% of the available parking stalls being occupied. Average parking utilization for each specific block is illustrated in Map 4. Not surprisingly, block faces on the periphery of the downtown area saw low parking utilization, while several blocks in the interior saw an average utilization in the range of 50-60%. From the results of the survey, it does not appear that there is currently a shortage of on-street parking available within the downtown.

On several occasions during the survey, staff also walked rear lanes to observe whether available on-site parking was being utilized. Although many properties within the downtown have room at the rear of the

property to accommodate staff parking, it appeared that these areas were not being well-used at the time of the survey.

Administration also made a number of additional observations while conducting the parking survey in the downtown area:

- Although a formal duration-of-stay survey was not conducted, staff did note that a number of distinctive vehicles (including a number bearing advertising for specific businesses) appeared to remain parked in the same location throughout the day, despite a 2-hour time limit.
- Signage informing motorists of the 2-hour parking limit is not consistent throughout the downtown area. Staff noted a number of locations where signage was only located at one end of a block as well as a number of signs in poor condition. As a result, motorists may actually be unaware that there is 2-hour time limit.
- Parking stalls are not currently demarcated on the pavement. Staff observed many instances where vehicles were parked half a car length or more from the vehicles in front or behind. This effectively reduces the amount of available parking as the use of space is not optimized.

Although the parking survey did not indicate that there is a shortage of parking within the downtown area, the Committee may wish to have Administration consider several options that would, quickly and cost effectively, improve the availability of parking:

- Request that Administration provide an estimate of the costs associated with having staff or a contractor paint and maintain parking stall demarcation to optimize the amount of available on-street parking.
- Request that Administration provide an estimate of the costs associated with improved signage to ensure that the 2-hour parking time limit is posted consistently throughout the downtown. This would ensure that motorists are aware of the time limit and encourage turn-over of parking spaces.
- Request that Administration consider options to enforce the 2-hour time limit to discourage business staff from remaining parked on the street throughout the day and to encourage turn-over in parking spaces.
- Encourage businesses to better utilize available on-site parking and discourage their staff from parking on the street.

Additionally, Administration has noted that the LUB provides the Development Officer with the ability to give credit for on-street parking when considering applications within the C1-Downtown Commercial district. Where on-street parking directly abuts the development, those stalls can be credited towards meeting the LUB parking requirements. Approximately half of the downtown falls within the C1 zoning district with the remainder being zoned RMX-Residential Mixed Use (Map 2). Administration would recommend that the Committee consider extending the ability to credit on-street parking to the RMX district as well.

Alternatives

Discussion item

Recommendation

Discussion item

Additional Information

Budget Implications - No



STAFF REPORT

Title: Policy Development for Financial Allocations in Respect of Community Service Grants

Meeting Date: March 19, 2019

Executive Summary:

At the February 19, 2019 Corporate Priorities Meeting, Council was presented with a bylaw to establish an advisory committee and a policy which would set out grant opportunities. Together, the bylaw and policy would set the foundation for a new standardized process for funding requests relating to community grants and sponsorships. Council provided feedback and requested the program be brought back before the Corporate Priorities Committee for further discussion.

Background:

The new process for grant administration was first proposed in 2018:

- At the **December 11, 2018, Regular Meeting of Council**, Councillor Vining gave a “Notice of Motion” for the January 8, 2019 regular meeting of Council to have Council consider giving Administration direction to develop a policy/program to establish a standardized process and advisory committee to review funding requests that address a community service need. This would be a significant change in the process that Council currently uses to consider funding requests, whereby community groups and individuals attend Council directly as a delegation and request funds.
- At the **January 8, 2019 Regular Meeting of Council**, Council directed Administration to prepare such a policy/program as recommended by Councillor Vining’s “Notice of Motion” presented to Council December 11, 2018. The purpose of the program is to shift from a case-by-case consideration of grant/sponsorship applications to a standardized process that benefits from a transparent, fair, depoliticized and formalized process that increases community accountability for municipal contributions, supports long term planning of municipal expenditures and a maximized use of funds from other sources of investment. The amended process would address the growing number of requests for financial support from community members and organizations for various projects, community events, individual needs, fundraising, etc. in a fair and equitable way.
- At the **February 19, 2019 Corporate Priorities Meeting** administration recommended a process centralized around the establishment of a new “Community Grant Advisory Committee”:



- Community Grant Advisory Committee: The bylaw establishes the new Committee and provides it with the power to receive and review grant applications submitted in accordance with particular established City of Cold Lake policies. The committee would use the following process:
 - Committee receives grant applications (based on grants set up by the City through policy).
 - Committee would review grant applications, prepare a summary and recommendation to Council on grant funding.
 - Council would be provided the Committee's recommendation. Council would make the final determination of the grant allocation.
 - Administration would follow up with a funding agreement, and receive reporting requirements as required.
- Grants that the Community Grant Advisory Committee would review: Administration recommended that the new committee administer grants already established by the following policies:
 - Community Capital Project Grant (Policy No. 202-AD-16)
 - Facility Booking Discounts (Policy No. 154-RC-14)
 - Recreation and Culture Grants (Policy 097-RC-07) **which would be significantly revised to include new categories of grants**
- Redevelopment of the Recreation and Culture Grant Policy (Policy 097-RC-07). Administration recommended a major revision to the policy which would now have the following grant opportunities:
 - Development Grant
 - Community Event Grant (*significantly revised*)
 - Major Community Event Grant (*new*)
 - Travel Grant
 - Leadership Grant
 - Equipment Grant
 - Other funding and Goodwill Requests (*significantly revised*)

Administration received the following feedback from Council at the February 19, 2019 Corporate Priorities Meeting:

- Council emphasized the need to promote both recreation and arts and culture grants and discussed how they could ensure that grant opportunities were available to support recreation as well as arts and culture. Discussion pursued around whether the committee should be made up of representatives from all areas or members at large.
- Recommendations were made around an ease for all applicants requesting grant funding through the City by amalgamation of the policies and bylaw.



- Council would like to see a quarterly intake established for grant opportunities, rather than accepting rolling grant applications. Discussion about how important it would be to communicate to community groups that grant applications would have to be received on time during quarterly intake or else could not be considered.
- Need to consider whether the total cost of a “major event” under the Major Community Event Grant should be \$100,000?
- Council discussed whether the Community Event Grant and Major Community Event Grant should be so heavily focused on bringing in non-local people to the community. Suggestion that events that cater to local community members also keeps money in the community and can make an impact on economic development. Discussion pursued around events that included non-local participants could be a criteria in the consideration for funded events but not the sole qualifier.

Following the recommendations of Council, Administration made the following amendments to the proposed policy and bylaw (significant changes are highlighted on the bylaw in green; provisions that Council discussed but have not been changed are highlighted in yellow):

- **Redevelopment of the Recreation and Culture Grant Policy**

- The wording and formatting of the policy were cleaned up throughout for clarity and consistency.

- **Section 4.2.2 Community Event Grant**

- Council discussed whether the Community Event Grant should only fund events that are expected to bring non-local participants into the community. Administration drafted this grant on this premise that the Community Event grant would be limited to events bringing in non-local participants because the economic benefit to the community through increased sales at stores, hotels, restaurants, gas stations, etc.
 - Administration proposes leaving the requirement of section 4.2.2.1 for the Community Event Grant, however, other events catering to local participants could still apply for funding under section 4.2.8 Other Funding and Goodwill Requests. This recognizes that the impact on the community is different for events bringing in non-local participants.
 - Administration seeks Council’s direction on whether the Community Event Grant should be limited to events drawing in non-local participants.

- **Section 4.2.3 Major Event Grant**

- The title of the “Major Event Grant” was changed to the “Major Tourism Event Grant” to further clarify that this grant is limited to events that bring significant non-local people into the community. The influx of people into the



community will support economic development through anticipated purchases at stores, restaurants, hotels, gas stations, etc. The financial support of council for these major tourism events is warranted because the large influx of people will benefit local businesses.

- The first draft of the Major Event Grant qualifications included that qualifying events must have an operating budget greater than \$100,000 to qualify. Administration researched how other municipalities deal with qualifying events for similar grants:
 - City of Grande Prairie stipulates that the event must be large scale, “expected to have a tourism draw of at least 35% of attendees from a proximity of 100km or greater from Grande Prairie; multiday event with an expected attendance of greater than 2,000 people per day.
 - City of Lethbridge stipulates that the event must be a “major provincial, inter-provincial, national, or international event, with a local organizing committee and a 100K+ proposed budget”, must attract spectators or participants from outside Lethbridge.
 - Administration seeks Council’s direction on how they would like to see the parameters of the Major Tourism Events grant determined.

Section 4.2.7 Arts, Culture and Heritage Funding

- This new grant opportunity has been added to address Council’s concern that arts and culture events have not historically received as much funding or attention as recreation opportunities in the City. This particular grant was developed based on a grant offered by Strathcona County, the intention is that this grant not be limited to festivals and events, it will provide funds for arts programs, projects and activities within the City.
 - Administration seeks Council’s direction on whether they would like to see a unique arts, culture, and heritage funding opportunity in the City.

Section 4.6 Application Deadlines and Processing Times

- Section 4.6 has been added to implement a quarterly intake process. The proposed deadlines (4:30 PM on the first Thursday of February, April, August and September) are suggested so that no deadlines will not fall on holidays.

Section 4.7 Grant Fund

- Section 4.7 was added to clarify to the public how the City determines how much money will be potentially available for grants. Section 4.7.1, 4.7.2, and 4.7.3 were copied from the terms used in the Community Capital Grant Policy.



- Section 4.7.4 was added to address Council's concern that the grant fund could be depleted during the first quarterly intake, leaving no funds available for the rest of the year. The provision was crafted to ensure the Community Grant Advisory Committee understands Council's recommendation that only 25% of the grant funds be allocated during each quarter, however, there is flexibility permitted if exceptional circumstances arise.
- Section 4.7.8 was included to make it clear to the public and Community Grant Advisory Committee that Council may provide direction on the distribution of grant dollars available between the different types of grants.
 - Administration seeks Council's direction on whether they would like to see a recommendation that a maximum allocation of 25% of the grant fund be made per quarter.

This proposed program would significantly change the way grants are currently administered by the City. There are several important changes to highlight:

- The Recreation and Culture Advisory Committee would no longer be reviewing Community Capital Project Grants or Recreation and Culture Grants. The mandate of the Recreation and Culture Advisory Committee (established under Bylaw No. 577-BD-16) would need to be revised.
- The Recreation and Culture Grants (under Policy 097-RC-07) were previously provided directly through the Recreation and Culture Advisory Committee without the decision coming before Council. Under the newly proposed program, these grants would be brought to Council for final determination.
- Grant applications and funding decisions would be made on a quarterly basis. Community groups would need to plan ahead to meet grant deadlines.
- A new grant (the Major Tourism Event Grant) and a revised grant (the Community Event Grant) would encourage local groups to host events in Cold Lake. Council's support of this initiative emphasizes the important economic development impact hosting events brings to local businesses.
- A new grant opportunity for Arts, Culture and Heritage was developed.

Alternatives:

This report is provided for discussion purposes.

Recommended Action:

Type the recommendation here



Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer

CITY OF COLD LAKE
BYLAW xxx-BD-19

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE COLD LAKE COMMUNITY GRANT ADVISORY COMMITTEE

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, authorizes Council to pass bylaws in relation to the establishment, functions, procedure and conduct of Council Committees and other bodies;

WHEREAS Council wishes to establish Cold Lake Community Grant Advisory Committee within the City of Cold Lake;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

- 1.1 This Bylaw shall be cited as the “Cold Lake Community Grant Advisory Committee Bylaw”.

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1. “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires;
- 2.2. “Committee” means the Cold Lake Community Grant Advisory Committee as provided for in this Bylaw;
- 2.3. “Council” means the Mayor and Members of Council of the City of Cold Lake;
- 2.4. “Member of Council” means an elected member of the Council of the City of Cold Lake;
- 2.5. “Organizational Meeting of Council” means. The annual organizational meeting of Council as set out in the Cold Lake Procedural Bylaw;
- 2.6. “Recording Secretary” means a person appointed to the position of recording secretary of the Committee;
- 2.7. “Simple Majority” means more than 50% of votes or persons;
- 2.8. “Staff Advisor” means a person appointed by the Chief Administrative Officer to the position of staff advisor to the Committee; and

SECTION 3 - ESTABLISHMENT

- 3.1 A Committee is hereby established pursuant to section 145(1) of the *Municipal Government Act*, RSA 2000, c M-26, as amended.

SECTION 4 – MANDATE

- 4.1 The mandate of the Committee is to review funding requests that address a community service need and make recommendation to Council for funding which aligns with established grant and sponsorship programs, within budgeted allocations for the programs, including:
- 4.1.1 Policy No. 202-AD-16, Community Capital Project Grant
- 4.1.2 Policy No. 097-RC-07, Recreation and Culture Grant (as amended)

- 4.1.3 Additional facility discounts under section 3.6.2 of Policy No. 154-RC-14, Facility Booking Discounts.
- 4.2 The Committee shall
 - 4.2.1 receive grant applications (in accordance with specific grants established through City policies),
 - 4.2.2 review the grant applications to determine whether they satisfy the criteria established by the City policies (including where deemed appropriate by the Committee hearing directly from the applicants),
 - 4.2.3 provide Council with a recommendation including short summary of funding requests, whether it adheres to the grant policy, and amount of support.
- 4.3 The Committee acknowledges that the final decision to fund and determination of the grant allocation would be made by Council, in Council's sole discretion.

SECTION 5 - MEMBERSHIP

- 5.1 The Board shall consist of a minimum of five (5) members and a maximum of ten (10) members who shall be appointed by resolution of Council. The Board shall be composed of:
 - 5.1.1 Two (2) Members of Council; and
 - 5.1.2 Two (2) member-at-large members shall be designated for representatives who are between the ages of 16 and 24 years at the time of appointment. However, if one of these positions becomes vacant, and there are no suitable applicants for Committee positions that are between the ages of 16 and 24 years, Council may either (1) appoint an application who is not between the ages of 16 and 24 to that vacant position, or (b) leave the position vacant until an application is received from a suitable application that is between the ages of 16 and 24.
- 5.2 All persons appointed as members of the Board shall be residents of the City of Cold Lake and shall remain members of the Board only during such time as they continue to be residents of the City of Cold Lake, unless the Council passes a resolution stating otherwise.

SECTION 6 - TERM OF OFFICE

- 6.1. The term of office for the Board members-at-large shall be for a maximum of two (2) years,
 - 6.1.1 commencing on the date of the Organizational Meeting of Council, unless there is a vacancy or Council has provided otherwise by resolution, and
 - 6.1.2 expiring on the date of the Organizational Meeting of Council in the year of the expiry of the term, unless Council has provided otherwise by resolution.
- 6.2. The term of office for the Member of Council shall be for a maximum of two (2) years,
 - 6.2.1 commencing on the date of the Organizational Meeting of Council, unless there is a vacancy or Council has provided otherwise by resolution, and
 - 6.2.2 expiring at the time of a general election, by resolution of Council or such time as the Member of Council ceases to be on the City of Cold Lake Council.
- 6.3. Council may reappoint any member of the Committee to additional term(s) should Council deem such reappointment to be in the best interests of the City and the Committee.
- 6.4. In the event of a vacancy occurring prior to completion of the appointed term, the person appointed to fill the vacancy shall hold office for the remainder of the term for the position in which the vacancy has arisen. Completion of the unexpired term shall not be considered a full term appointment.

- 6.5. If any member of the Committee is absent from three (3) consecutive regular meetings of the Committee during their term, Council, on recommendation from the Committee, may declare a vacancy in respect of the office of such member.
- 6.6. Council may, with reason; request the resignation of any member of the Committee at any time prior to the expiry date of the member's term of office.
- 6.7. Any member may resign from the Committee at any time upon sending a written notice to the City Executive Secretary advising of the resignation and the effective date.

SECTION 7 - CHAIRPERSON AND VICE-CHAIRPERSON

- 7.1. At the first meeting of the Committee, and annually thereafter at a meeting of the Committee, a chairperson and a vice-chairperson of the Committee shall be elected by a vote of a simple majority of those members of the Committee present.
- 7.2. The Member of Council and staff advisor appointed to the Committee shall not be eligible for the position of chairperson or vice-chairperson.
- 7.3. A member may be re-elected to the position of chairperson or vice-chairperson.
- 7.4. The duties of the chairperson shall consist of:
 - 7.4.1. presiding at the regular and special meetings of the Committee;
 - 7.4.2. direction and control of the operation of the Committee;
 - 7.4.3. direct consultation with the Staff Advisor, and
 - 7.4.4. providing all information and material for inclusion in an agenda for all regular and special meetings of the Committee to the staff advisor at least five (5) days prior to the meeting for which the agenda is prepared.
- 7.5. The duties of the vice-chairperson shall consist of:
 - 7.5.1. fulfilling the duties of the chairperson in his or her absence; and
 - 7.5.2. acting as the spokesperson for the activities of the Committee
- 7.6. Where the chairperson and vice chairperson are both absent from a meeting of the Committee, one of the other members of the Committee shall be elected as the chairperson by a simple majority of members present to preside over that meeting.

SECTION 8 - ROLE OF STAFF

- 8.1. The Chief Administrative Officer (CAO) may appoint a Staff Advisor and/or Recording Secretary to the Committee and may, where appropriate, attend meetings of the Committee in a non-voting, ex-officio capacity.
- 8.2. The role of the CAO or Staff Advisor, would be that of an advisor to the Committee in respect of those matters within the jurisdiction of the Committee mandate set out in Section 4.1.
- 8.3. The duties of the Recording Secretary, or the Staff Advisor where a Recording Secretary is not appointed, shall consist of:
 - 8.3.1. Attendance at all regular and special meetings for the Committee;
 - 8.3.2. Attendance at all regular or special meetings of any sub-committees of the Committee as required by the Committee;
 - 8.3.3. To prepare and provide an agenda to the Committee at least two (2) clear working days prior to the meeting for which the agenda is prepared; and
 - 8.3.4. To perform all other administrative duties as may be assigned by the Committee from time to time.

SECTION 9 - REMUNERATION AND EXPENSES

- 9.1. Members of the Committee shall serve their term of office with the Committee in a voluntary capacity.
- 9.2. The Committee Chairperson may make a formal request to Council to remuneration and reimbursement of any traveling and living expenses where Council requests a Committee Member to attend a conference, seminar or other meeting outside of the jurisdiction of the City. Council shall be under no obligation to reimburse or remunerate any Committee Member. Remuneration and/or reimbursement shall be at the sole discretion of Council.

SECTION 10 – MEETINGS

10.1. Regular and Special Meetings:

- 10.1.1. The first meeting of the Committee shall take place at a time to be designated by resolution of Council.
- 10.1.2. A regular meeting of the Committee shall generally be held once a month, at a time and place determined by the Committee, but may be changed from time to time at the Committee's discretion **as long as notice is provided for in accordance with section 195 of the *Municipal Government Act*.**
- 10.1.3. Special meetings may be called on twenty-four (24) hours' notice by the chairperson or at the request of a simple majority of the members of the Committee **as long as notice is provided for in accordance with section 195 of the *Municipal Government Act*.**

10.2. Minutes:

A minute book shall be kept and the minutes of all regular and special meetings shall be recorded therein by the Recording Secretary or a member of the Committee if a Recording Secretary has not been appointed by the CAO. Copies of all minutes shall be filed with the office of the CAO within 10 days of the meeting at which such minutes were adopted and shall be circulated to all members prior to the next regular meeting.

10.3. Report

The Chairperson, in consultation with the Staff Advisor if this position has been appointed by the CAO, shall prepare an annual report for Council on the activities of the Committee, which must include an evaluation of each member desiring reappointment and any recommendations to Council for re-appointment, and the skills, knowledge and experience of the applicants recommended for membership.

10.4. Quorum

- 10.4.1. A quorum for regular and special meetings of the Committee shall be a simple majority of the voting members of the Committee, one of whom shall be either the chairperson or vice-chairperson.
- 10.4.2. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Committee.
- 10.4.3. Only those Committee members present at a Committee meeting shall vote on any matter before the Committee and in the event of a tie, the motion shall be lost.

10.5. Delegations

- 10.5.1. Persons wishing to be heard by the Committee shall, unless otherwise decided by the Committee, give notice in writing within seventy-two (72) hours of the meeting of the Committee at which that person wishes to be heard.

10.5.2. Where a person or representative of any group wishes to address the Committee, the Committee may, by a vote of a simple majority of members, allow a person or representative to address it.

10.5.3. Notwithstanding section 10.5.1 and 10.5.2, Council may appoint liaison(s) from local or regional interest groups to attend Committee meetings to provide information. The requirements under sections 10.5.1 and 10.5.2 shall not apply to liaisons appointed by Council.

10.6. Rules of Procedure

The Committee may make rules as are necessary for the conducting of its meetings and its business that are consistent with this Bylaw, the Cold Lake Procedural Bylaw and the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

SECTION 12 – DUTIES OF THE COMMITTEE

12.1. In addition to any duties and responsibilities of the Committee set out in this Bylaw, the duties and responsibilities of the Committee shall be determined by resolution of Council in accordance with the mandate as stated in section 4 of this Bylaw.

12.2. The Committee may advise Council with respect to the making of policies as the Committee deems necessary from time to time. Provided such policies are not inconsistent with the powers herein conferred.

12.3. The Committee shall review this Bylaw annually and make recommendations to Council for any changes deemed necessary.

12.4. Council may request that the Committee provide it with input, either verbally or in writing pertaining to a budget outlining the proposed expenditures of the Committee for the next year. Any input provided by the Committee with respect to such budget is deemed to be that of the Committee and not of the administration of the City.

SECTION 13 - ENACTMENT

13.1 This bylaw shall take effect on the date of passing third and final reading.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this ___ day of ___, A.D. ___, on motion by Councillor ___.

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this ___ day of ___, A.D. ___, on motion by Councillor ___.

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this ___ day of ___, A.D. ___, on motion by Councillor ___.

Executed this ___ day of _____, 2019

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER



Recreation, Culture and Goodwill Grant Policy

POLICY NUMBER: 097-RC-07

Approval Date: March 13, 2007

Revise Date: July 12, 2016

Motion Number: 2007-034

Repeal Date:

Supersedes: 070-FN-00

Review Date:

1.0 Policy Intent

The City of Cold Lake is committed to developing a fair grant policy that supports funding to develop or enhance comprehensive and diverse recreation and culture programs within the community.

2.0 Purpose

The main objective of the Recreation and Culture Grant Policy is to provide occasional grant funding ~~to non-profit organizations~~ within the City of Cold Lake, in order to assist in developing and enhancing recreation and cultural programming.

3.0 Policy Statement

- 3.1 The City of Cold Lake shall establish a variety of grant opportunities under this policy to support programs, events, development of teams, individuals or groups' skills and opportunities related to recreation and culture within the City of Cold Lake.
- 3.2 Each grant application shall be reviewed and considered by the Community Grant Advisory Committee to see if it meets the objectives and qualifications of the grant program.
- 3.3 The City, through its annual operating budget, shall determine the amount of funds to be allocated to the grants under this Policy. Council shall have the ultimate discretion to make the final decision on both the overall budget allocation and the individual grants.

4.0 Managerial Guidelines

- 4.1 Definitions:

4.1.1 “Non-profit Organization”

An association, club, or society that is operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit. No part of the organization’s income can be payable to or available for the personal benefit of any proprietor member, or shareholder.

4.2 Categories of Support4.2.1 **Development Grant:** the purpose of this grant is to encourage and support new recreation and cultural programs in the community.

4.3.1.1 The Development Grant will fund either

4.3.1.1.1 new initiatives by established non-profit organizations or

4.3.1.1.2 seed funding for the development of recreation and culture programs by new non-profit organizations;

4.3.1.2 Organizations or initiatives shall be considered “new” for the purposes of this grant for two consecutive years, after which they may apply under other grant categories.

Up to a maximum of \$2,000 per organization, per event, per calendar year.

4.2.2 **Community Event Grant:** the purpose of this grant is to encourage and support diverse and comprehensive recreation and culture, events, or tournaments within the City recognizing that these events bring significant economic benefit to the community, enhance the quality of life for the citizens of Cold Lake, contribute to the cultural richness of the community, and create affordable entertainment.

4.2.2.1 The Community Event Grant will fund events expected to bring non-local participants into the community;

4.2.2.2 Events being offered outside the City will not be funded under this grant.

4.2.2.3 Evaluation criteria for the grants shall include a consideration of:

4.2.2.3.1 All criteria indicated at section 4.3 of this policy,

4.2.2.3.2 Event budget,

4.2.2.3.3 Fundraising strategy.

Up to a maximum of ~~\$1,000~~ \$2,500 per organization per event each calendar year will be considered. Annual or regularly occurring events will not be eligible.

4.2.3 **Major Tourism Event Grant:** the purpose of this grant is to enhance the profile and visibility of the City of Cold Lake while supporting and encouraging diverse and comprehensive recreation and cultural events within the City that bring significant economic benefit to the community.

4.2.3.1 The Major Community Event Grant will support funding for major events that have an operating budget greater than \$100,000.00. Funding may be used for preparing bid proposals.

4.2.3.2 Evaluation criteria for the grants shall include a consideration of:

- 4.2.3.2.1 All criteria indicated at section 4.3 of this policy,
- 4.2.3.2.2 Economic impact assessment study (IE. Sport Tourism Economic Assessment Model STEAM)
- 4.2.3.2.3 Fundraising strategy.

The level of support shall be at the discretion of Council.

4.2.4 **Travel Grant:** the purpose of this grant is to assist individuals, teams and cultural groups, participating in athletic or cultural events, individually or as a team, who have qualified to compete at a provincial, national or international level.

- 4.2.4.1 The grant will fund fuel, meals and accommodations associated with travel to competition.
- 4.2.4.2 Individuals applying must have written support from an umbrella non-profit organization and must provide receipts, for associated travel costs, upon return; and
- 4.2.4.3 Qualifying teams may not request support for each individual member.

Up to a maximum of \$500.00 per individual per calendar year will be considered. Up to a maximum grant of \$1,000.00 per team per year will be considered.

4.2.5 **Equipment Grant:** the purpose of this grant is too assist new or established non-profit organizations operating within the City of Cold Lake in repairing or purchasing equipment necessary to run programs or enhance existing programs.

4.3.5.1 Educational institutions are not eligible for this grant.

4.3.5.2 Applicants must submit:

- 4.5.3.2.1 details of the asset for which funding is being requested;
- 4.5.3.2.2 a description of the function/ uses and need for the equipment within the organization and the benefit it would have to the greater community;
- 4.5.2.2.3 details of funders and fundraising efforts already completed or in progress;
- 4.5.2.2.4 any additional information deemed appropriate to making a decision regarding the application.

Up to a maximum of ~~\$500.00~~ \$1,000 per organization per calendar year.

4.2.6 **Leadership Grant:** the purpose of this grant will be to assist with the development of coaches', officials' and cultural group leaders' who are interested in upgrading their skills and knowledge for the greater benefit of the organization and community. The training clinic/ opportunity must not

be available within the City of Cold Lake or be an annual or regular event that is held within the City of Cold Lake.

4.2.6.1 Individual coaches, officials', and cultural group leaders who are applying for this grant must have written support from an umbrella non-profit organization in which they currently or upon completion will be offering these skills to the organization.

4.2.6.2 The grant will fund registration fees, fuel , meals and/ or accommodations associated with attendance at the clinic.

This grant is a 50:50 matching grant with the City willing to match up to a maximum of \$750.00 per individual and/or \$2000.00 per organization per calendar year.

4.2.7 Arts, Culture, and Heritage Funding: the purpose of the grant is to enable and encourage community not-for-profit arts, culture, and heritage organizations to enhance their services and provide innovative community based arts, cultural and heritage programs, projects and activities to the residents of the City of Cold Lake.

4.2.7.1 Arts and culture activities would include visual arts, media arts (film/video, photography, multimedia), performing arts, literary arts (storytelling, creative writing, prose, poetry), environment arts (architecture, urban design, landscape design, environmental installations), multicultural arts (ethnic celebrations), heritage arts (protection, restoration, display and interpretation of heritage archives and materials), educational arts (summer camps, youth festivals, youth and adult training programs for arts).

Up to a maximum of \$2,000 per organization per calendar year.

4.2.8 Other Funding and Goodwill Requests: Where a request for funding is not covered under an existing policy or program offered by the City of Cold Lake or is excluded based on the criteria of an existing policy/program, the organization may wish to make an application directly to the Community Grant Advisory Committee for funding consideration. Such an application should be addressed to the Community Grant Advisory Committee and outline:

- 4.2.8.1 the name, address and telephone number of the organization making the application;
- 4.2.8.2 the name of the primary contact person for the application and their contact information if different from the organization;
- 4.2.8.3 the status of the organization making the application (not-for-profit, registered charity, government, for profit, etc.);
- 4.2.8.4 a clear indication of the request being made;
- 4.2.8.5 details on how the contribution will be acknowledged if approved;

- 4.2.8.6 economic impact of the program, event or equipment on the City of Cold Lake.
- 4.2.8.7 In the case that the application for funding for a program or event:
 - 4.2.8.7.1 the name, date and location of the program or event that funds are being requested for;
 - 4.2.8.7.2 a general description of the program or event that funds are being requested for;
 - 4.2.8.7.3 details of where any surplus generated from the event will be allocated to;
 - 4.2.8.7.4 a list of other organizations and the dollar amount that additional funding has been requested from;
 - 4.2.8.7.5 a detailed budget (only an event budget is necessary unless the request exceeds \$2000.00);
 - 4.2.8.7.6 any additional information deemed appropriate to making a decision regarding the application.
- 4.2.8.8 In the case that the application for funding is based on a structured fundraising program (i.e. Bronze, Silver, Gold Sponsorship) and a detailed fundraising package is available, the cover letter only needs to cover details not outlined in such a package.

4.3 Application Criteria

- 4.3.1 Grant applicants must be either:
 - 4.3.1.1 An individual endorsed by, and a member of, a registered non-profit society in good standing with the City and be based within the boundaries of the City;
 - 4.3.1.2 An non-profit organization, in good financial standing with the City, based within the boundaries of the City. Regional teams could be considered.
 - 4.3.1.3 An organizing committee under the auspices of an affiliate or sponsoring not-for-profit organization in good standing with the City. The organizing committee must be based within the boundaries of the City.
- 4.3.2 Grant applicants must:
 - 4.3.2.1 Demonstrate need for financial support;
 - 4.3.2.2 Not have received funding from City Council or other City Departments in the same fiscal year for the same purpose or projects;
 - 4.3.2.3 Provide the last audited financial statements of the organization for any requests for funding exceeding \$2,000 (except where a structured fundraising package is being used);
 - 4.3.2.4 Be an organization (or associated with an organization) that contributes to developing, stimulating and improving recreation and culture within the City;

4.3.2.5 Acknowledge the contribution from the City in any public communications such as brochures or pamphlets.

4.3.3 The grant will not fund:

4.3.3.1 Administrative costs such as personnel expenses, no-program related space rental, insurance, utilities, office supplies, fundraising expenses and legal fees;

4.3.3.2 Individuals unless they have the written support of the non-profit organization they are involved with;

4.3.3.3 Religious or political activities,

4.3.3.4 Debt retirement, depreciation, retroactive or deficit funding, or

4.3.3.5 Individuals recognized as producing tobacco, alcohol or cannabis products

4.3.3.6 Expenditures for a program, event, training or travel that has already occurred.

~~4.2.3.3 Events or programs where the organization applying is serving alcohol.~~

4.3.4 The Community Grant Advisory Committee reserves the right to ask any applicant to attend as a delegation to the Community Grant Advisory Committee to speak about an application. ~~In the case the application for funding exceeds \$10,000.00, the organization making application shall make a delegation to a Committee of Council.~~

4.3.5 Approval of an expense in one fiscal year does not imply ongoing support for a program or event or the replacement of equipment in future years.

4.4 Evaluation Criteria

The ~~Recreation and Culture~~ Community Grant Advisory committee will assess the applications on the basis of the following criteria as they pertain to the purpose of the grants:

4.4.1 New initiatives

4.4.2 Program Quality

4.4.3 Community need, services and supplies

4.4.4 Financial need

4.4.5 Target audience and membership

4.4.6 Quantity and quality of impact on the community

4.4.7 Availability of grant funds

4.4.8 Executed application form

4.4.9 Organizations seeking funding from multiple sources shall be considered favorably.

4.4.10 Any additional evaluation criteria indicated in this policy for specific grants, or requirements as may be determined from time-to-time by Council.

4.5 Reporting on Funding Received

4.5.1 A funding agreement as provided by the City must be executed for all funding authorized under this policy.

- 4.5.2 A Final Report is required from the recipient upon completion of the funded program, project, training or purchase. Grant Summary Report forms are to be completed no later than 30 days following the expense.
- 4.5.3 If all funds have not been used for the intended or closely related purpose, the surplus must be returned to the City.
- 4.4.4 The City reserves the right to publish the name of an organization or individual in receipt of the grant funding, the grant type and dollar value and any outcomes achieved by the recipient in any future publications made by the City.
- 4.5.5 Any change to the program, project, training or purchase must be explained in writing to the City. The City reserves the right to refuse expenses where changes no longer align with grant criteria.
- 4.5.6 All grants must be expended for the purposes requested for unless written authorization from the City has been received to do otherwise.

4.6 Application Deadlines and Processing Times

- 4.6.1 The deadline to apply for all grants under this Policy will be on a quarterly basis with the following application deadlines:
 - 4.6.1.1 Winter Deadline: 4:30 PM on the first Thursday in February
 - 4.6.1.2 Spring Deadline: 4:30 PM on the first Thursday in April
 - 4.6.1.3 Summer Deadline: 4:30 PM on the first Thursday in August
 - 4.6.1.4 Fall Deadline: 4:30 PM on the first Thursday in September
- 4.6.2 Applications shall be received at least 60 days prior to the event (or the date the funds are required) to allow appropriate time for consideration by Council.
- 4.6.3 The Committee shall review the applications four (4) times a year, no later than 20 days following the application deadline for that quarterly intake.
- 4.6.4 As soon as practicable following the Committees decision on grant recommendations, the Committee shall provide a quarterly report of grant disbursement recommendations to Council at a Regular Meeting of Council.

4.7 Grant Fund

- 4.7.1 During the annual fall budget process, Council shall determine the maximum amount of funds available for the grants under this policy for the following fiscal year.
- 4.7.2 At its discretion, Council may decide not to allocate the total funds available to the grants for that year. If all funds are not allocated, Council shall determine during the budget process at the end of the year whether to restrict the funds or allow them to enter general surplus.
- 4.7.3 Council shall have the discretion to provide additional funding for any of the grants under this policy in excess of what was originally budgeted, if deemed appropriate.
- 4.7.4 The Community Grant Advisory Committee shall endeavor not to recommend disbursement of more than 25% of the funds during each quarter. Should the Community Grant Advisory Committee wish to recommend disbursement of more than 25% of the funds during any one

quarterly submission to Council, the Committee shall provide explanation as to why the recommendation is being made.

4.7.8 Council reserves the right to direct the Community Grant Advisory Committee to portion the grant dollars available between the grants in a particular way depending on the priorities of Council for the upcoming fiscal year.

5.0 References

6.0 Persons Affected

Community Services Department

Corporate Services

~~Recreation and Culture~~ Community Grant Advisory Committee

7.0 Revision/ Review History

Supersedes Policy 070-FN-00

Repealed by Motion 2007- 036 on March 13, 2007

Amended October 28, 2014, Motion No. CM20141028.21006

Amended November 25, 2014, Motion No. CM20141125.1027

Amended July 12, 2016, Motion No. CM20160712.1005

Date

Chief Administrative Officer

Date

Mayor



STAFF REPORT

Title: Bylaw No. 014-AN-97 - ByLaw for Penalties on Unpaid Taxes

Meeting Date: March 19, 2019

Executive Summary:

The City has been utilizing Bylaw No. 014-AN-97 since 1997 for applying penalties to tax accounts that are in arrears. The City currently levies a penalty of 2% on current taxes after the June 30 due date monthly on July 1 to December 1 not compounded. A 12 % penalty is applied to the total amount outstanding annually on January 1. Administration is presenting information on the City's revenue generated from penalties as well as comparisons to other municipalities to Council for discussion purposes.

Background:

The City of Cold Lake currently collects approximately \$500,000 each month through the tax installment payment plan. The City currently has \$756,000, of taxes one (1) year in arrears, \$313,000, of taxes two (2) years in arrears and \$45,400, of taxes three (3) years in arrears. These amounts are exclusive of the PILT dispute.

The City has utilized this method of applying penalties to encourage timely payments as the City does not have huge reserves to draw from if taxes are not paid annually. The 12% penalty once a year on January 1 is very effective for collecting taxes prior to the City's fiscal year end. The City annually prepares a tax arrears list that must be posted and filed by March 31 of each year.

Over the past 5 years, the City of Cold Lake has collected the following tax penalties revenue excluding penalties on PILT:

Year	Tax penalty Revenue
2014	\$198,156
2015	\$217,781
2016	\$289,042
2017	\$260,931
2018	\$271,267



A comparison of the penalty charged by municipalities similar in size to the City is attached.

Alternatives:

None.

Recommended Action:

For information and discussion.

Budget Implications (Yes or No)

Yes

Submitted by:

Kevin Nagoya, Chief Administrative Officer

TOWN OF COLD LAKE
BYLAW #014-AN-97

**A BYLAW OF THE TOWN OF COLD LAKE TO PROVIDE FOR THE IMPOSITION OF
PENALTIES ON UNPAID TAXES.**

WHEREAS, the Council of the Town of Cold Lake deems it advisable to provide for a penalty to be imposed on unpaid taxes after a certain date in the year that the taxes are levied and on all taxes unpaid at December 31st in each year.

NOW THEREFORE, pursuant to the authority vested in it by the Municipal Government Act, the Municipal Council of the Town of Cold Lake in the Province of Alberta, duly assembled enacts as follows:

That ByLaw Nos. 90-694, 91-636 and 95-730B are hereby repealed.

1. That a 2% penalty be applied to current unpaid taxes on July 1 of each year or 30 days from the date of mailing the tax notice; which ever is the later.
2. That a further 2% penalty be applied to current unpaid taxes on August 1 of each year.
3. That a further 2% penalty be applied to current unpaid taxes on September 1 of each year.
4. That a further 2% penalty be applied to current unpaid taxes on October 1 of each year.
5. That a further 2% penalty be applied to current unpaid taxes on November 1 of each year.
6. That a further 2% penalty be applied to current unpaid taxes on December 1 of each year.
7. That a 12% penalty be applied on January 1 of each year on those taxes that remain outstanding as of December 31 of the previous year.
8. For the purposes of Sections 1, 2, 3, 4, 5 and 6, penalty will not be compounded during the current year.
9. For the purposes of Section 7, taxes remaining unpaid as of December 31st include accumulated penalties.
10. That Supplementary Taxes shall be due and payable to the Town of Cold Lake by the last day of February of the current year. Any outstanding amounts will be subject to a 12% penalty charge on March 1st.

This ByLaw shall come into effect immediately upon the date of its final reading.

FIRST READING passed in open Council duly assembled in the Town of Cold Lake, in the Province of Alberta, this 22nd day of April, A.D. 1997, on motion by Councillor Young.

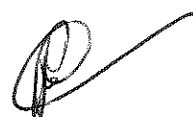
CARRIED

SECOND READING passed in open Council duly assembled in the Town of Cold Lake, in the Province of Alberta, this 22nd day of April, A.D. 1997, on motion by Councillor Barnes.

CARRIED

CONSENT TO THIRD AND FINAL READING granted on motion by Councillor Donnelly.

**CARRIED
UNANIMOUSLY**

M.P. 

THIRD AND FINAL READING passed in open Council duly assembled in the Town of Cold Lake, in the Province of Alberta, this 22nd day of April, A.D. 1997, on motion by Councillor Eger.

CARRIED

TOWN OF COLD LAKE



MAYOR



CHIEF ADMINISTRATIVE OFFICER

A COMPARISON OF PENALTY ON UNPAID TAXES (CURRENT TAXES AND ARREARS)

PENALTY RATE (ARREARS)													
	Airdrie	Bonnyville (Town)	Brooks	Camrose	Chestermere	Cochrane	Cold Lake	Lacombe	Lethbridge	Ponoka	Red Deer	St. Albert	Wetaskiwin (City)
January	9.00%	15.00%		1.50%	1.50%	15.00%	12.00%	10.00%	12.00%	15.00%	7.00%	12.00%	1.00%
February				1.50%	1.50%								1.00%
March			9.75%	1.50%	1.50%			3.00%					1.00%
April	9.00%			1.50%	1.50%								1.00%
May				1.50%	1.50%			3.00%					1.00%
June				1.50%	1.50%								1.00%
July				1.50%	1.50%						7.00%	6.00%	1.00%
August				1.50%	1.50%								1.00%
September				1.50%	1.50%								1.00%
October				1.50%	1.50%								1.00%
November				1.50%	1.50%								1.00%
December				1.50%	1.50%								1.00%

PENALTY RATE (CURRENT TAXES)													
	Airdrie	Bonnyville (Town)	Brooks	Camrose	Chestermere	Cochrane	Cold Lake	Lacombe	Lethbridge	Ponoka	Red Deer	St. Albert	Wetaskiwin (City)
July	5.00%	12.00%	4.75%	6.00%		7.00%	2.00%	9.00%	7.00%		7.00%	3.00%	1.00%
August	9.00%			1.50%	7.00%		2.00%		1.00%	3.00%		6.00%	1.00%
September				1.50%	1.50%		2.00%	3.00%	1.00%		7.00%		1.00%
October				1.50%	1.50%	8.00%	2.00%		1.00%	10.00%		9.00%	1.00%
November			2.27%	1.50%	1.50%		2.00%		1.00%				1.00%
December				1.50%	1.50%		2.00%	3.00%	1.00%				1.00%

	Annual Interest on Tax Arrears	Annual Interest Rate Current Tax
Airdrie	18.81%	14.00%
Bonnyville (Town)	15.00%	12.00%
Brooks	9.75%	7.02%
Camrose	19.56%	14.19%
Chestermere	21.93%	15.20%
Cochrane	15.00%	15.00%
Cold Lake	12.00%	12.00%
Lacombe	16.00%	15.00%
Lethbridge	12.00%	12.00%
Ponoka	15.00%	13.00%
Red Deer	14.49%	14.00%
St. Albert	18.72%	18.00%
Wetaskiwin (City)	12.68%	6.15%

	Annual Interest Rate on Tax Arrears	Annual Interest Rate Current Tax
Chestermere	21.93%	15.20%
Camrose	19.56%	14.19%
Airdrie	18.81%	14.00%
St. Albert	18.72%	18.00%
Lacombe	16.00%	15.00%
Bonnyville (Town)	15.00%	12.00%
Cochrane	15.00%	15.00%
Ponoka	15.00%	13.00%
Red Deer	14.49%	14.00%
Wetaskiwin (City)	12.68%	6.15%
Cold Lake	12.00%	12.00%
Lethbridge	12.00%	12.00%
Brooks	9.75%	7.02%



STAFF REPORT

Title: Addresses for Annexed Properties

Meeting Date: March 19, 2019

Executive Summary:

Further to the annexation of various lands within the Municipal District of Bonnyville effective on January 1, 2019. Administration has begun to meet with each of the landowners. These meeting are to discuss taxes, utilities, and other services provided by the City of which may differ from the Municipal District of Bonnyville and facilitate any questions the resident may have.

Administration is proposing changes to the addressing for properties within the annexation area to coincide with the addressing in the City of Cold Lake.

Background:

As part of the transition of the recently annexed properties to the City, Administration has established new municipal addresses for existing properties to replace the rural addresses previously assigned by the M.D. of Bonnyville.

Although the individual addresses may appear somewhat random, the numbering is based on a continuation of the City's existing address system. The addresses have been assigned to allow for new addresses to be added as the surrounding properties are developed in the future. Administration's intent is to have new signs installed with the updated address to replace the existing rural address signs that had been provided by the M.D.

One challenge Administration has faced, is that the former Town of Cold Lake has street/house numbers ascending from north to south, while the former Town of Grand Centre street/house numbers ascend from south to north. This issue has been raised by previous Council's from time to time (since amalgamation) due to concerns raised by the Cold Lake Ambulance Society relating to confusion for their drivers.

At some point in the future, the City should make address a priority however it will come with budget implications on the execution of major overhaul of the addressing system.



In the City's previous configuration, this was not an issue as Imperial Park created a natural barrier; however, with the annexation, there will be a point where the two conflicting address systems will meet. As the Energy Centre is already addressed following the former Grand Centre system, as 7825 – 51 Street, the cutoff point was chosen as the next quarter-section line north, which also corresponds to the furthest southward extent of the former Town of Cold Lake addresses on 21 Avenue. This will result in an unusual jump in the numbering in the future as the annexation area develops; however, short of re-addressing a significant portion of the City, this is unavoidable.

The proposed addresses are shown on the attached map and Administration is seeking the Committee's feedback prior to implementing the proposed new addresses for the annexation area.

The addressing system is already adopted by Council therefore the next step is implementation. The City will purchase (on an as required basis) replacement signs for the homes that are impacted and have addressing signs erected on their properties. There may be some impacts to homeowners relating to change of address that may need to be concerned once all homeowners have been notified.

Alternatives:

None.

Recommended Action:

For information.

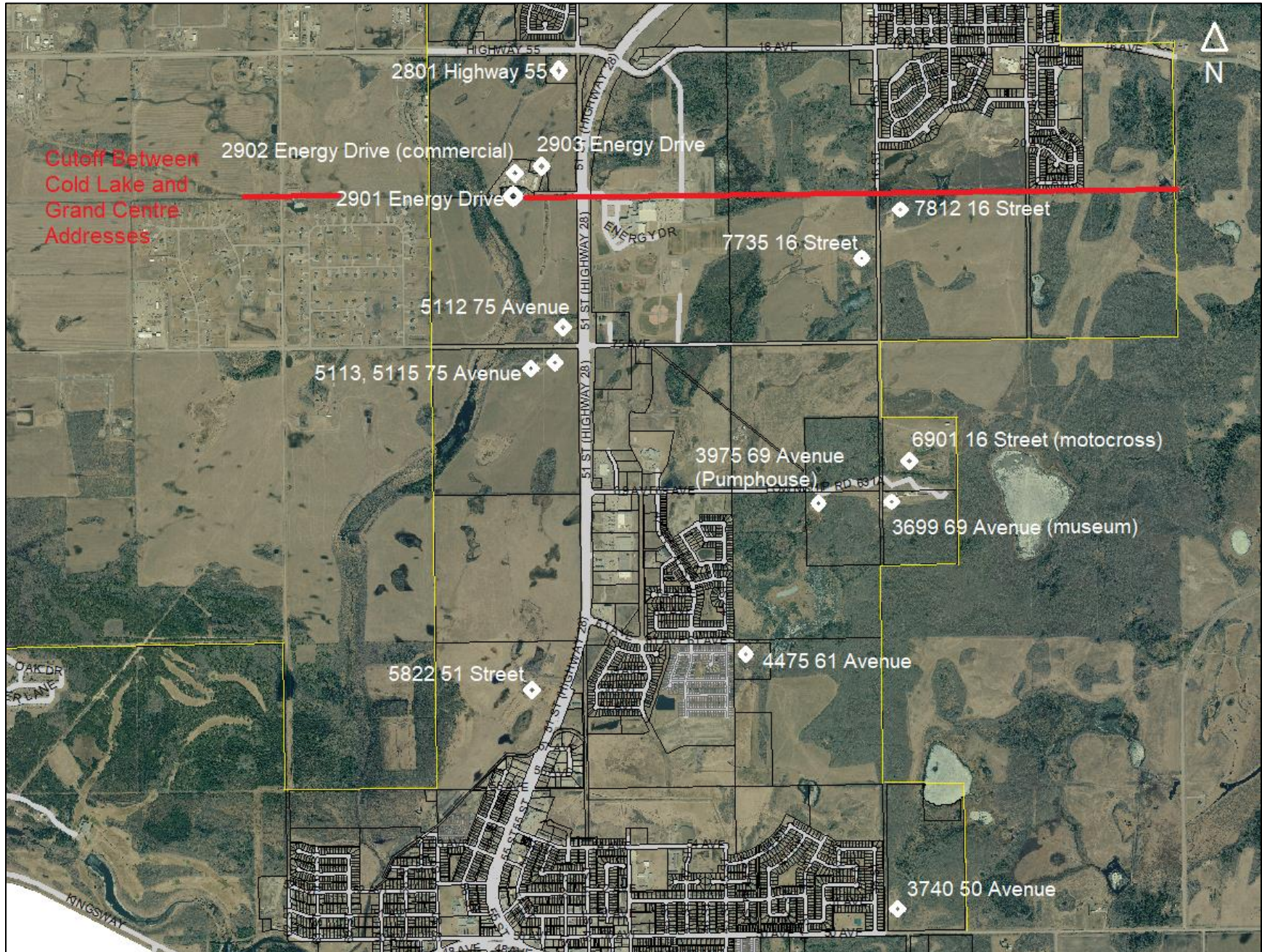
Budget Implications (Yes or No):

Yes – Approximately \$1200 will be required for signage.

Submitted by:

Kevin Nagoya, Chief Administrative Officer

Proposed Annexation Area Addresses





STAFF REPORT

Title: Business Licensing Concerns

Meeting Date: March 19, 2019

Executive Summary:

Administration was requested to provide an overview of concerns relating to licensing and regulation of businesses and home-based businesses. These concerns originate from various perspectives and more recently a letter from Cold Lake Regional Chamber of Commerce. The background is intended to provide Council with a summary of what administration has been hearing from the community.

Background:

The City has been made aware of concerns regarding businesses potentially operating without the required Business Licenses and City permits. In particular, concerns have been raised, with respect to home-based businesses.

Concerns From the Public

Administration occasionally receives inquiries from the public seeking confirmation that a particular business has a valid business licence. Typically, when staff receive an inquiry asking if a particular business has a licence, they will enter the given business name into the system and advise if there is a licence under the given name. In the event that no licence is found, staff will advise that no licence was found under that name, however the business may be incorporated and, therefore, licensed under a different name than the name that is publicly used in their advertising. The intent is to avoid damaging the reputation of a business that may, in fact, be licensed. The current configuration of the City's business license software only searches by the business name, licence number or account number. The information is only limited by the inputs of what is requested for by the public (in accordance to the Bylaw and the application forms) and inputted by the staff.

There are a number of challenges inherent to answering questions regarding business licences:

- It is common practice for businesses to operate under a different name than the actual legally-incorporated name which is provided on the licence application. As an example, a business advertises itself, and, is publicly known as "John Doe Contracting", whereas the legally incorporated entity is "123456 Alberta Ltd." which is the name on the business licence and in the licensing system.



- Businesses commonly fail to notify the City when they change their name, address, contact information or cease operation, hence, the information the City has on file may not be current.
- Many small or home-based businesses only advertise through social media, which can make it difficult to obtain contact information if a complainant is unable to provide contact information. Social media advertising presents a further challenge as the content that is displayed varies from one individual to another based on their personal settings and preferences, so an advertisement seen by one individual may not show up for someone else. Additionally, staff currently do not have access to social media sites, such as Facebook, at their workstations.
- Advertisements listed on social media, Kijiji or Infomall are not limited to Cold Lake, but encompass persons operating in other jurisdictions such as the M.D. of Bonnyville, Town of Bonnyville or even the Towns of St. Paul, Ashmont or Elk Point.
- Persons operating home businesses from premises on 4-Wing fall under Federal jurisdiction and are not required to hold a business licence unless physically operating off of the base, within the City's jurisdiction.

Where a business is found to have no licence, and contact information is available, staff will typically attempt to contact the business to advise that permits and a licence are required if they are operating within the City. Upon contacting businesses that may be operating without a licence, Administration often receives the following types of responses:

- The business is located in the M.D. and does not operate in the City;
- The business is no longer operating;
- The business only operates from premises on 4-Wing;
- The business was previously licensed, but is no longer doing work within the City

Once contact has been made, staff advise the business owner of the requirement to obtain a licence, if they are doing business within the City. However, unless the City has actual proof that the business is or has been conducting business within the City limits without a licence, little further action can be taken.

In cases where it is determined that a business may be operating without a licence, Administration is limited in the amount of information that can be provided to a complainant, other than to acknowledge that the City will follow up with the business owner. Any investigation or communication with the business is essentially a confidential matter between the City and the business and is, therefore, subject to the FOIP Act. Additionally, any investigation or enforcement action the City takes has the potential to evolve into a legal matter, hence Administration does not provide details to a third party.



Administration has perceived a change in the tone of the inquiries that have been received over the past several years. Previously, the inquiries seemed to primarily be coming from residents wanting to ensure a business was licenced before conducting business with them. In the past several years since the economic downturn, Administration has perceived that inquiries are more frequently coming from competing businesses. The City's intent with any investigation or enforcement action is to educate and to gain compliance, whereas some complainants give the impression that they expect the City will shut down the offending business. There is also an apparent misconception that, by virtue of issuing a business licence, the City is responsible for confirming that the business owner holds the necessary credentials or qualifications to carry out whatever trade they may be involved in. The Bylaw does not require credentials to be provided, except in cases where a particular occupation requires a Provincial or Federal Licence.

Concerns From Licence Applicants

Administration frequently receives inquiries from persons wishing to start a business and has an information brochure and application package available online (attached). Many applicants, particularly for home-based businesses express a number of concerns:

- Many applicants express concern that the process is unnecessary and cumbersome;
- Home-based business applicants frequently express frustration that the home-based licence (\$150) is double the cost of a commercial licence (\$75);
- Applicants who rent their place of residence often express concern about the requirement for the property owner to provide consent;
- Applicants often express concern that the City will report them to Revenue Canada if they obtain a business licence;
- Many smaller home-businesses express concern that the cost of the development permit and business licence exceeds what their business makes;
- Staff frequently receive concerns that the license fees are not pro-rated, given that the licenses expire at the end of the calendar year. This is a common concern when people are applying for the first time, part way through the year.

Moving Forward

Administration has been working on an updated Business Licence Bylaw, given that the current Bylaw was adopted in 2005. Among the proposed updates would be a mandatory requirement for businesses to declare their publicly advertised name on their business licence, in addition to their legal corporate name. A review of the licence fees



will also be conducted and a comparison with other jurisdictions provided. From Administration's research there is great variability in fees from one jurisdiction to another. The draft bylaw also includes provisions to reduce the licence fee for new applications, based on what quarter of the year an application is submitted.

In an attempt to be proactive, it is also recommended that the City periodically advertise a reminder of the requirement to hold a business licence if doing business within the City. The advertising could be done via newspaper and social media. The City currently sends a reminder (attached) with the annual licence renewals advising businesses to ensure that they contact the City if contemplating a move, if their ownership changes or if they cease to operate.

Further administration is reviewing the opportunity to provide a software link of active to business licences to the City's website with c/w a search engine. This will provide enhanced customer service and assist in queries being received by staff.

Alternatives:

None.

Recommended Action:

For Information.

Budget Implications (Yes or No):

No

Submitted by:

Kevin Nagoya, Chief Administrative Officer

**CITY OF COLD LAKE
PROVINCE OF ALBERTA
BYLAW #196-PL-05**

A BY-LAW OF THE CITY OF COLD LAKE, FOR THE PURPOSE OF PROVIDING FOR THE LICENSING AND REGULATION OF CERTAIN BUSINESSES, OCCUPATIONS, AND PROPERTIES WITHIN THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA.

WHEREAS THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 2000, AS AMENDED, PROVIDES FOR THE PASSING OF BYLAWS TO LICENSE AND REGULATE CERTAIN BUSINESSES WITHIN A MUNICIPALITY;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

BYLAW TITLE

1. This bylaw may be cited as the "Business License Bylaw".

DEFINITIONS

2. In this bylaw unless the context otherwise requires:

- a) "Act" means the Municipal Government Act, Chapter M-26, R.S.A., 2000 as amended or replaced from time to time.
- b) "Applicant" means a person who applies for a business license.
- c) "Business" includes business, trade, profession, industry, occupation, employment or calling and the providing of goods or services.
- d) "Business Location" means the physical location or address where the business accounting functions reside including but not limited to a head office, home office or store but does not include a post office box.
- e) "CAO" means the Chief Administrative Officer for the City or his designate.
- f) "Carry on" means carry on, operate, perform, keep, hold, occupy, deal in or use, whether as principal, agent, contractor or sub-contractor.
- g) "Charitable or nonprofit organization" means a person, association of persons, society or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes but is not limited to a religious group, society or organization; a service club; a community, veterans' or youth organization; a social, sport or fraternal organization or club; an employer's or employee's organization.
- h) "City" shall mean the City of Cold Lake.
- i) "Cold Lake Trading Area" means the area herein defined as follows and shown as Schedule "B" of this bylaw:

East Boundary is the Alberta and Saskatchewan Provincial Border;

North Boundary is the area between the North East corner of Section 36-T65-R1-W4, and westerly to the North West corner of Section 31-T65-R5-W4;

West Boundary is the area between the North West corner of Section 31-T65-R5-W4 southerly to the South West corner of section 6-T64-R5-W4, thence Easterly to the north west corner of section 34-T63-R4-W4, southerly to the south west corner of section 15-T61-R4-W4, thence easterly to the west boundary of the Cold Lake Indian Reserve #149B, thence southerly to the south west corner of section 3-T59-R3-W4;

South Boundary is the area between the South West corner of section 3-T59-R3-W4 due east of the Alberta and Saskatchewan provincial border;

- j) "Commercial - Type 1" shall mean any business, which is carried on from a premises at a business location assessed on the City assessment roll as non-residential and the licensee either owns or rents the premises.
- k) "Council" shall mean the Municipal Council of the City of Cold Lake
- l) "Direct Sellers" means any person who, whether as principal or agent: and without restricting the generality of the foregoing shall include Hawkers and Peddlers:
 - i) goes from place to place selling or offering for sale any merchandise or service, or both, to any person, and who is not a wholesale or retail dealer in such merchandise or service.
 - ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, or;
 - iii) sells merchandise or a service, or both, elsewhere other than at a building that is his permanent place of business.
- m) "Fee" means license fees for use with this bylaw.
- n) "License" means a license granted by the City of Cold Lake entitling the person to whom it is granted to carry on a business therein specified in the City of Cold Lake.
- o) "Licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this bylaw.
- p) "Licensing Officer" shall mean the person so appointed by the CAO.
- q) "Non Assessed -Type 3" shall mean any business, which is carried on within the corporate limits of the City, and does not fall under the residential or commercial definitions of this bylaw. This may include but is not limited to Out-of-town Contractors and Direct Sellers. Sub types "a & b" refer to the business location in relation to the trading area shown in Schedule "B" of this bylaw.
- r) "Peace Officer" shall mean any member of the Royal Canadian Mounted Police, a Special Constable, or Bylaw Enforcement Officer so appointed by the Council.
- s) "Person" means a natural person or a body corporate and includes a partnership, group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- t) "Premises" means either land or building located within the corporate boundaries of the City and is shown on the assessment roll of the City.
- u) "Residential - Type 2" means a business which is carried on from a premises at a *business location* assessed on the City assessment roll as residential and such licensee either owns or rents such premises.
- v) "Show" means a circus, carnival, midway, rodeo, auction, fair, market, trade show, theatrical or any other exhibition, event or display similar to the foregoing.
- w) "Transaction Location" means the physical or conceptual location where the offer and acceptance of goods and/or services takes place.

LICENSING OFFICER

- 3. The CAO shall appoint a Licensing Officer to carry out the terms of this bylaw. The powers and duties of the Licensing Officer are:
 - a) to receive and deal with all applications for licenses.

- b) to conduct investigations with regards to proposed applications, where necessary.
- c) to collect business license fees pursuant to Schedule "A" of this bylaw
- d) to conduct inspections of business premises where necessary;
- e) to refuse or grant business licenses where deemed appropriate;
- f) to revoke business licenses where deemed appropriate and necessary;
- g) to report violations and infractions of this bylaw and assist in prosecution;

NECESSITY FOR LICENSE

- 4. No person shall carry on a business in the City without having first obtained a license in accordance with this bylaw, unless specifically exempted by Provincial, Federal law or this bylaw.
- 5. A person owning and/or operating two or more businesses in separate business locations shall obtain a license for each such business.
- 6. Where more than one business is conducted from a single business location the Licensing Officer may require a separate business license for each business if he deems that different individuals or corporations operate the businesses or the businesses financially operate separately.
- 7. No person shall allow or permit any employee, representative or agent to carry on business on their behalf in the City until such person has obtained a license in accordance with this bylaw.

LICENSE APPLICATION

- 8. Any person desirous of carrying on a business in the City shall complete the necessary application form as provided by the City.
- 9. No license shall be issued until the said application form has been completed in full.
- 10. If the business to be licensed is intended to be conducted in premises, the business location of such premises shall be designated in the license so issued, and thereafter the business shall be conducted at such municipal address and not elsewhere until the Licensing Officer has been notified in writing of any intended change of address.
- 11. Any person providing false or untrue information on such application form shall be guilty of an offense.
- 12. If the business to be licensed requires a Provincial License, no license shall be issued hereunder until the applicant has produced a valid Provincial License or reasonable facsimile acceptable to the Licensing Officer.
- 13. Notwithstanding any other section of this bylaw, any existing business having held a business license in the previous year may, at the discretion of the Licensing Officer, renew its business license by paying the prescribed license fee.
- 14. Subject to the provisions of this bylaw, upon receipt of an application for a business license, the Licensing Officer may grant a business license or may refuse a business license if in his opinion there are just and reasonable grounds for the refusal of the application.
- 15. If a license is refused, the applicant may appeal the decision to the Council in accordance with the appeal section of this bylaw.
- 16. All licenses required under this bylaw shall be issued under the authority of the Licensing Officer.

EXEMPTIONS

17. Charitable or nonprofit organizations are not required to obtain a business license; however, they must inform the Licensing Officer prior to commencing any fundraising activities.
18. Notwithstanding other sections of this bylaw, the following organizations or business activities are hereby exempted from obtaining a business license excluding the licensing of a *show* and all listed herein may be required to submit information for administrative purposes, at the direction and discretion of the Licensing Officer:
 - a) The delivery of goods, wares, merchandise purchased outside of the corporate limits of the City provided that the contract to purchase such goods, wares, merchandise, or delivery was not made within the corporate limits of the City.
 - b) The distributing of free information in the form of magazines, flyers, pamphlets, newspapers, business cards and similar media.
 - c) The business or practice of a profession, trade or calling which, by the Laws of the Province of Alberta, a municipality is not empowered to license to carry on business within the municipality, including, without limiting the generality of the foregoing, the practice of medicine, law, dentistry, accounting by persons registered pursuant to the Regulated Accounting Profession Act, architecture, surveying, engineering and chiropractic services.
 - d) Any Municipal, Provincial, or Federal Government or Government Agency
 - e) A Charitable organization or professional fund raiser in accordance with an authorization or exemption given under the Charitable Fund-raising Act.
 - f) A non profit organization including *bona fide* religious groups.
 - g) A babysitting service excluding those requiring a provincial license as a Social Care Facilities regulated by the Social Care Facilities Licensing Act CHAPTER S-10 R.S.A.2000
 - h) Garage and Yard sales while on private property and selling residential items in a residential land use district.

CONDITIONS OF LICENSE

19. No business license shall be granted until such time as the applicant or property owner holds a valid Development Permit where required by the Land Use Bylaw and/or any other bylaw of the City.
20. No business license shall be granted until such time as the applicant holds a valid Provincial or Federal License where required by law.
21. No business license shall be granted until the applicant has submitted to the License Officer, the proper fee as set by Council.
22. Any Principal Contractor shall provide a written list of all other Contractors and/or Sub-contractors, trades and sub-trades that are or will be in his employ within the boundaries of the City and will ensure all listed persons are duly licensed in accordance with this bylaw.
23. Every licensee shall prominently display the license and produce their license for inspection immediately when required to do so by the Licensing Officer, by any Peace Officer, or by any person duly authorized by the Council.
24. Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this bylaw a Licensing Officer or any other authorized person may, upon giving reasonable notice, inspect the building or location for any purpose under this bylaw at all reasonable times during the license term.

25. Any person refusing inspection of any premises in which is conducted a business licensed hereunder after demand by any Peace Officer, the License Officer, or any person authorized by Council shall be guilty of an offense under this bylaw.
26. A person hosting a *show* such as a Trade Show, Market or Fair is required to purchase one license for all participants listed to the satisfaction of the Licensing Officer. The fee type shall be determined by the *transaction location* of the show.
27. Notwithstanding section 26, any local charitable or non-profit organization by itself or in conjunction with a another like organization, hosts two or more shows in a single calendar year, that organization, may be permitted to obtain an annual business license to cover all such shows during the licensing term and fees be classified as Commercial – Type 1.

LICENSE FEES

28. Business license fees shall be in accordance with Schedule “A” of this bylaw
29. All business license fees are non refundable.

DURATION OF LICENSE

30. A license issued hereunder shall commence on the date of issue and expire on the expiry date shown on the License. An Annual License shall expire at midnight on December 31st in the year it was issued.

REFUSAL AND REVOCATION

31. The License Officer may refuse to issue a license to any person or may revoke any license at any time if in the opinion of the License Officer there are just and reasonable grounds for the refusal of such application or for the revocation of any license.
32. Where, on inspection, a business which is subject to an inspection by or on behalf of any Federal, Provincial or Municipal Authority and is found to contravene the Act, Statute, Bylaw or Regulations of such authority, the license may be revoked.
33. The licensing officer may refuse to issue a license to any person who has outstanding fees, fines or other indebtedness to the City unless satisfactory arrangements are made with the City which are approved by the CAO.
34. Upon a license being revoked as herein before provided, the License Officer shall notify the licensee thereof:
 - a) by delivering a notice to him personally; or
 - b) by mailing a registered letter to his place of business or residence as shown on his license, which shall have been deemed to have been received seven days after the date of mailing;
35. Immediately following receipt of notification of revocation the business shall not continue to carry on until all conditions of the Council, Licensing Officer and this bylaw are met.

APPEAL PROCEDURE

36. Any applicant who has been refused or any person who has had his license revoked may appeal to the Council.
37. Any such appeal shall be in writing and shall be submitted to the CAO within (30) days of the date on the notification of refusal or revocation.
38. Council shall conduct a hearing within (21) calendar days following the receipt date of the written notice of appeal.

39. At the hearing of the appeal the Council may review the written submissions of the appellant, the Licensing Officer and of any other person who may, at the discretion of Council, make verbal submissions.
40. After hearing the evidence submitted, the Council may confirm such refusal or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the Council is final.

PENALTY

41. Any person contravening any of the provisions of this bylaw is guilty of an offense and is liable on conviction to a fine in accordance with section 566 of the Act. In the event such person is a partnership; each or any partner may be liable to the penalty aforesaid.
42. Notwithstanding the previous section, where any provisions of this bylaw have been deemed to be contravened, the Bylaw Enforcement Officer may issue a voluntary payment violation ticket or tag for that contravention and the accused may avoid appearing in court to answer the said charge by submitting the voluntary payment as indicated on the violation ticket in the amount indicated within this section.

Specified penalties for the offences of:

- a) Carry on a business without a valid and subsisting license \$500.00
- b) Fail to display or produce license \$200.00

43. In addition to the penalty provided, if the offence is for carry on a business without a license, in addition to the penalty imposed, such person shall also be required to pay the appropriate license fee.

GENERAL

44. In this bylaw the masculine shall be deemed to include the feminine and the singular be deemed to include the plural.
45. It is the intention of the Council of the City of Cold Lake that each separate provision of this bylaw shall be deemed independent of all other provisions and it is further the intention of the Council that if any provision of the bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of the bylaw shall remain valid and enforceable.

ENACTMENT /REPEAL

46. The following are hereby repealed or removed on passing of this bylaw:
- a) Bylaw #004-PL-96 "The Business License Fee Bylaw" is repealed
 - b) Part V of bylaw 047-PL-98 is hereby repealed.
 - c) The following penalty sections from Schedule 2 of bylaw 047-PL-98 are hereby removed:
 - i) Section 133 Operate a business without a License \$250.00
 - ii) Section 134 Operate as a Peddler or Hawker without a license \$250.00
 - iii) Section 135 Fail to display business License \$25.00
 - iv) Section 136 Fail to produce business license \$250.00

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12th day of April, A.D. 2005, on motion by Councillor Gagnier.

CARRIED

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 26th day of April, A.D. 2005, on motion by Councillor Gagnier as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 26th day of April, A.D. 2005, on motion by Councillor Pelechosky.

**CARRIED
UNANIMOUSLY**

CITY OF COLD LAKE



MAYOR



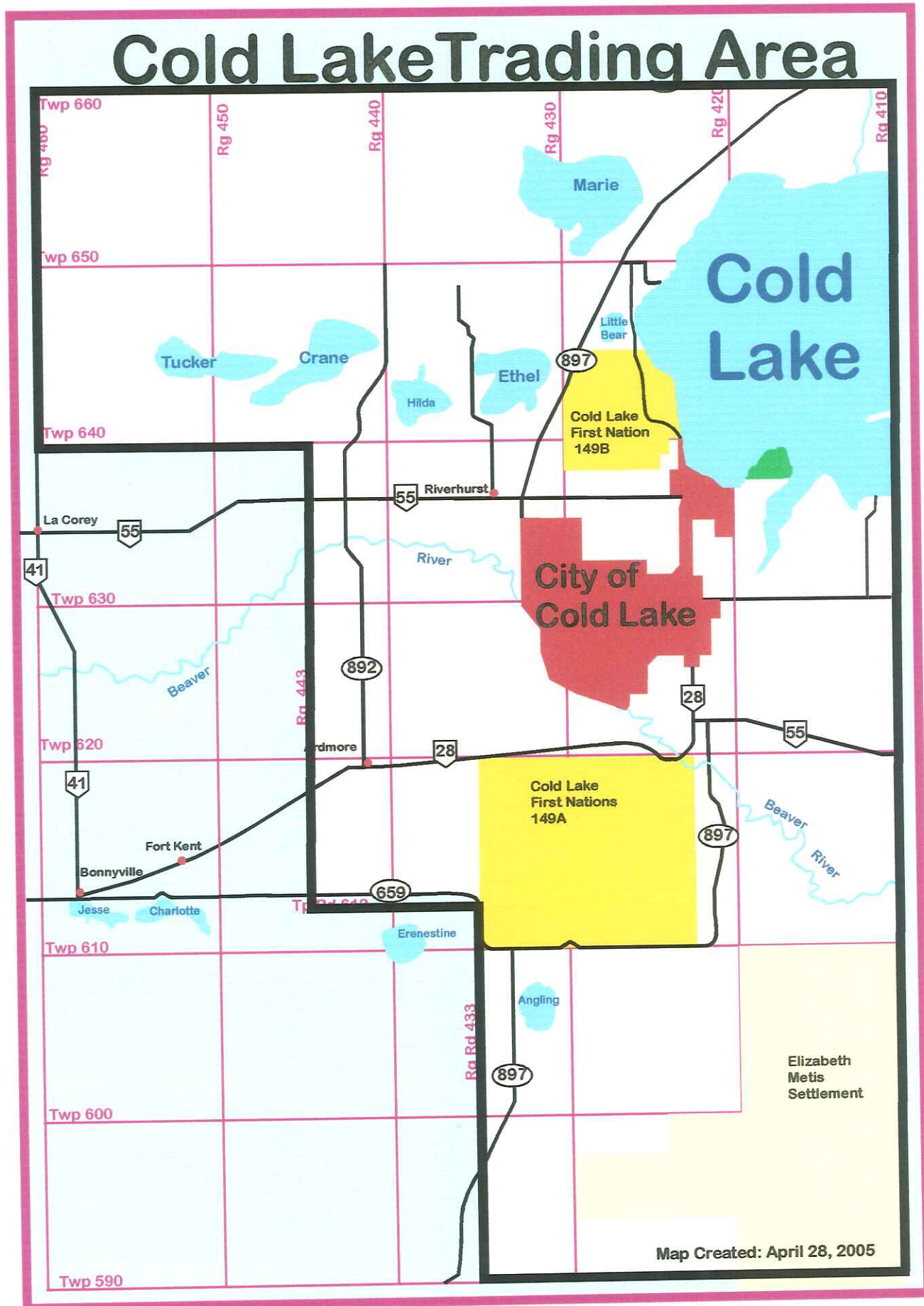
CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

The Business License Bylaw requires that the applicant pay a license fee to carry on a business within the corporate limits of the City. The following fees are deemed to be the License fees in accordance with this bylaw:

<u>CLASSIFICATION</u>	<u>TERM</u>			
	DAILY	WEEKLY	QUARTERLY	ANNUAL
COMMERCIAL - Type 1	\$10.00	\$25.00	\$50.00	\$75.00
RESIDENTIAL - Type 2	\$10.00	\$50.00	\$75.00	\$150.00
NON ASSESSED – Type 3				
Type:				
3a -Within the <i>Cold Lake Trading Area</i>	\$50.00	\$75.00	\$100.00	\$200.00
3b -Outside the <i>Cold Lake Trading Area</i>	\$150.00	\$250.00	\$400.00	\$500.00

SCHEDULE "B"



Handwritten signature and initials



PLANNING AND DEVELOPMENT

Important Reminders for Businesses

A little planning can save a lot of time and money. Here are a few things to keep in mind:

- Your Business License allows you to operate your business only in the location specified on the license.
- If you plan to move your business to a new location it is important that you contact the Planning and Development department **before** you rent or purchase a new location to operate your business. This allows us to:
 1. Confirm that the zoning of the new location allows for the type of business you operate;
 2. Ensure that you have any permits that may be required;
 3. Update your business license information.
- Renovations to an existing business location may require permits. Please ensure that you contact us prior to beginning any renovations so that we can ensure that you have the required permits and inspections.
- Some permit applications can take 4 to 6 weeks to process, so please keep this timeframe in mind if you are planning to move or renovate your business.
- Minor Home-Based businesses must inform the City if they begin having clients visit their home business or begin employing persons in the business who do not reside in the home.
- The City reminds all businesses that they are responsible for the proper maintenance of their parking areas. This includes periodic repainting of parking stalls to ensure they remain clearly visible.

Did You Know?

The City of Cold Lake offers a property tax rebate program to encourage owners of commercial properties to invest in their buildings. Enhancements or additions to existing buildings and construction of new commercial buildings may be eligible for a property tax rebate through this program. Please contact the Planning and Development department for more information.

Email: planning@coldlake.com
Phone: 780-594-4494

City of Cold Lake
5513 48 Ave, Cold Lake AB
T9M 1A1

Guidelines For You

Before you start your home based business it's important to understand the basics of the City's Land Use Bylaw and the Alberta Safety Codes Act.

In this bulletin you'll find some general guidelines and things to consider to help ensure your home based business meets the City of Cold Lake requirements.

If you are planning to operate a business or provide a service within the City of Cold Lake contact the Cold Lake Planning and Development Department for more information.



Application Fees

Home Based Business License

\$150.00 annual

\$ 75.00 qrtly

\$ 50.00 weekly

\$ 10.00 daily

Annual business licenses expire Dec 31st.

Development Permit

Minor Home Based Business \$ 50.00

Major Home Based Business \$ 75.00

Talk to a Development Officer if you will be renovating or altering your home to accommodate your business. You may require building, electrical, gas, or plumbing permits.

Contact Us Today

Planning and Development Department

City of Cold Lake
5513 48 Avenue
Cold Lake, AB T9M 1A1

Phone: 780-594-4494

Fax: 780-594-3480

Email: gdewit@coldlake.com

Email: jratzlaff@coldlake.com

Website: www.coldlake.com

Hours: 8:30 a.m. to 4:30 p.m., Monday to Friday
Closed Statutory holidays



This brochure has no legal status and cannot be used as official interpretation of the municipal bylaws, codes, regulations and statutory plans. It is recommended that you contact the Planning and Development Department for assistance. Updated September 2011

Public Information Bulletin 3

▶ A Guide to Home Based Businesses



Home Based Businesses

What is a Home Based Business?

A home based business is a small-scale business that operates out of a home in a residential neighbourhood. Home based businesses are categorized as minor, or major businesses.

Minor Home Based Business

A minor home based business is operated from a home, its accessory buildings, or a combination of both.

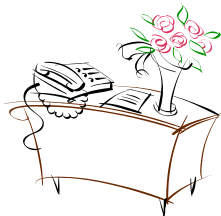
Only residents of the home can work on-site for the business.

There must be no on-site client visits.

There must be no offensive noise, vibration, smoke, dust, odour, heat or glare detectable beyond the property boundary.

Any storage of materials, equipment, or products related to the business must be located within the home or accessory building(s). No exterior storage is permitted.

No exterior advertising other than an identification sign approved by the Development Authority is allowed.



Major Home Based Business

A major home based business is operated from a home, its accessory buildings, or a combination of both.

It must be operated by the residents of the home. Only two (2) non-resident employees or business partners can work on-site at the home.

The business must not have an unreasonable number client visits, or cause traffic congestion or excessive off-street parking.

There must be no offensive noise, vibration, smoke, dust, odour, heat or glare detectable beyond the property boundary.

Any outdoor storage on-site of materials, equipment, or vehicles associated with the business must be suitably screened from view.

No exterior advertising other than an identification sign approved by the Development Authority is allowed.

The development authority may at anytime revoke a development permit if a home based business, in the opinion of the Development Authority the home based business conflicts with the home based business regulations, as outlined in the City's Land Use Bylaw, or becomes a detriment to the amenities of the neighbourhood.

Licenses and Permits

All home based businesses require a business license and a development permit.

Business licenses are available on a daily, weekly, quarterly, or annual basis.

Annual business licenses expire on December 31st each year and can be renewed from November 1st onwards.

A development permit allows a residence to "change its use" so it can include a home based business.

A development permit does not exempt compliance with the current Alberta Safety Code requirements. If you have questions about the Safety Code requirements for your business a Development Officer will refer you to a Safety Codes Officer.

The home based business license application and development permit application is combined on one form available at City Hall.

If you plan to renovate or make changes to your home to accommodate your home based business you may require a building permit, electrical, plumbing, or gas permit. Talk to a Development Officer for more information.

HOME-BASED BUSINESS LICENSE APPLICATION PACKAGE

THINGS TO REMEMBER

- Home-Based Businesses require a Development Permit to be approved before a Business Licence can be issued
- For the Land Use Bylaw information regarding Home-Based Businesses please see *the City of Cold Lake Land Use Bylaw* [Part 6: General Regulations](#)
- Development Permits are processed within 40 days of the receipt of a complete application
- If you are renting your home, you will require authorization from the owner or property manager to apply for a home-based business
- Approval to operate a home-based business is location-specific, so if you move you will need to reapply for approval in your new location
- If your business involves food handling or personal hygiene a Health Inspection is normally required. Please contact the Public Health Inspector at 780-594-4404 for more information

FREQUENTLY ASKED QUESTIONS

Why is a Development Permit required?

- A Development Permit is a document that authorizes a development on a parcel of land. A Development Permit is required to allow the location, size and use of a building to be approved. For a Home-Based Business this ensures that the type of business is suitable within a residential neighbourhood. The Development Permit also ensures that the number of employees on site is acceptable as well as the required parking is provided.

Why do you need a Certified Copy of Title?

- A Certified Copy of Title, dated within the last six (6) months, is required with your Development Permit and/or Building Permit application because it identifies who the registered owner of the property is. This can then be matched to the Development Permit and/or Building Permit application to ensure authorization is from the owner. The Certified Copy of Title also identifies any limitations that could affect the permits.

Can't you just take my application as is and I'll come back tomorrow to give you the other missing documents?

- No. Incomplete applications will not be accepted. For any application to be accepted all the forms and supporting documents must be completed and submitted at the same time as the application payment.

When do I require a Building Permit for a Home-Based Business?

- A Building Permit may be required if you are doing renovations to your home to facilitate the home business. Please contact the Planning and Development Department to determine if you will require a Building Permit.

Do I need to apply for a Development Permit every year when I renew my Business Licence?

- No. A Development Permit is only required when you first apply, or if the nature of your home-based business changes (for example an existing minor home-based business is now going to have clients visiting so requires a new approval as a major home-based business).

HOME-BASED BUSINESS APPLICATION CHECKLIST

- ☐ Application Fees **debit, cheque or cash**
- ☐ Completed Application Form
- ☐ Property Owner Authorization Form **only required if you are not the owner of the property**
- ☐ Certified Copy of Title **within last six (6) months**
- ☐ Site Plan **locations and distances to property lines, lot dimensions, lot area, building area, and percentage of lot coverage**
- ☐ If your business requires a Health Inspection a copy must be submitted with your application

SPECIFIC INFORMATION

- A Home Based Business is a secondary use of a residential dwelling to conduct business.
- Home Business, Minor does not include the visiting of clients to the dwelling or any non-resident employees. A Minor Home Business is permitted in most residential districts.
- Home Business, Major allows for clients visiting the dwelling and up to two (2) non-resident employees.
- Home Business, Major is a discretionary use in most residential zoning districts, meaning the City's decision on your application must be advertised and can be appealed by neighbouring property owners.
- Minor Home Businesses must reapply for approval as a Major Home Business if the nature of the business changes to include clients visiting the home or the business begins employing persons who do not reside in the home.

****Please review the City of Cold Lake Land Use Bylaw to ensure that you are aware of all the applicable requirements****



BUSINESS LICENCE – HOME BASED

PART 1: GENERAL INFORMATION					
Your Name:			Business Name:		
Address:		City:	Province:	Postal Code:	
Mailing Address, if different from above:					
Phone:		Cell/ Alternate Contact #:		Fax/Email:	
Lot:	Block:	Plan:	Roll #:	Land Use District:	
Owner's Name, if not the applicant: (see Part 3: Signatures):					
Owner's Address (if not the applicant):		City:	Province:	Postal Code:	
Phone:		Cell/ Alternate Contact #:		Fax/Email:	
Part 2: BUSINESS INFORMATION					
Describe the type and/or the nature of the business:					
Will you employ people that do not live in your residence? Yes <input type="checkbox"/> No <input type="checkbox"/>		How many?	What are your business hours?		
Will you have clients or customers visiting your residence? Yes <input type="checkbox"/> No <input type="checkbox"/>		How frequently?	Where will they park?		
Do you use a vehicle or machinery in the operation of your business? Yes <input type="checkbox"/> No <input type="checkbox"/>		What kind? How much does it weigh?		Where will it be parked or stored?	
Will goods/materials, used in the operation of your business, be delivered to your residence? Yes <input type="checkbox"/> No <input type="checkbox"/>		If yes, what kind?		How often?	
		If hazardous materials are used in the operation of your business please attach a list of those materials. A fire inspection may be required.			
Will you deliver goods, materials, or services, to customers away from your residence? Yes <input type="checkbox"/> No <input type="checkbox"/>		Where? (In Cold Lake? Surrounding area?)			
Is there any noise associated with your business? Yes <input type="checkbox"/> No <input type="checkbox"/>		What causes the noise?		When will it occur?	

Please Continue on Reverse Side



PROPERTY OWNER AUTHORIZATION

Registered Property Owner

I/We _____ of
(Name/Company)

(Mailing Address)

Phone #: _____ Cell #: _____

Fax #: _____ Email: _____

being the registered owners of the lands legally described as:

Lot (s)

Block

Plan

Cold Lake, AB

Do hereby authorize _____

☐ to release property information to _____

☐ to apply for any permits and/or approvals related to development, subdivision or land use: (Describe Nature of Application)

Signature (Registered Owner)

Date

5513 - 48 Avenue, Cold Lake, AB • T9M 1A1 • Ph: 780-594-4494 • Fax: 780-594-3480

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PO Box 454
4009 - 50th Street,
Cold Lake, AB T9M 1P1

Phone: (780) 594-4747
Fax: (780) 594-3711
www.coldlakechamber.ca

February 15, 2019

City of Cold Lake
5318 48 Ave
Cold Lake, AB T9M 1A1

RECEIVED

FEB 21 2019
cc'd Mayor, Council & CAO
CITY OF COLD LAKE

Attention: Mayor and Council

Dear Mayor Copeland and Members of Council,

On behalf of the Cold Lake Regional Chamber of Commerce Board of Directors and its general membership, we're writing to you with regards to business licence requirements and how the process is managed should it be identified that a business is operating within the city limits without a current licence.

This issue has been identified to us by more than one member in several different industries, and although these members have brought it to the attention of the city administration, there doesn't appear to be any interest in follow up.

In a matter of fairness, ensuring all businesses have a license to operate within the City of Cold Lake ensures equal opportunity and safe business practices. It further ensures tax revenue is properly assessed.

While we do understand that it is difficult to police each and every business to ensure compliance and this issue is complaint driven, we would request that the city follows through with its own policy and investigate those identified. We would further request that the original complainant receive follow up communication once the matter has been investigated.

We look forward to your reply.

Sincerely,

Ryan Lefebvre
President



STAFF REPORT

Title: Amendments to the Local Authorities Election Act

Meeting Date: March 19, 2019

Executive Summary:

There have been several recent amendments to the *Local Authorities Election Act*, RSA 2000, c L-21. All changes will be in effect for the next municipal election in October 2021.

Background:

The *Local Authorities Election Act*, RSA 2000, c L-21 sets out the rules for elections in municipalities, school boards, Metis Settlements, and irrigation districts. On November 5, 2018, following a review of the *Act* and consultations after the 2017 municipal election, the Government of Alberta introduced *Bill 23: An Act to Renew Local Democracy in Alberta* to propose amendments to the *Local Authorities Election Act*. The proposed changes mirror changes made to provincial election laws. Bill 23 was passed on December 5, 2018 and received Royal Assent on December 11, 2018.

The following changes to the *Local Authorities Election Act* will impact the City of Cold Lake municipal election in 2021:

	Specific Change	Effective
Campaign Finance and Contribution Disclosure Amendments		
Campaign Finance and Contribution Disclosure Requirements	<ul style="list-style-type: none">• Candidates are required to disclose names and addresses of donors whose contributions exceed \$50• Financial disclosure statements are required from all candidates including self-funded campaigns.	Effective date: December 11, 2018
Corporate and Union Donations	<ul style="list-style-type: none">• No corporation or unincorporated organization, including a trade union and employee organization, and no individual ordinarily residing outside Alberta, shall make a contribution to a candidate.	Effective date: December 11, 2018
Fundraising Contributions	<ul style="list-style-type: none">• The contribution limit has been lowered to \$4000 per campaign period for municipal elections (an individual can make as many contributions to municipal	Effective date: December 11, 2018



	<p>candidates in their jurisdiction as they wish as long as the total combined amount of all those contributions does not exceed \$4,000 per municipality).</p> <ul style="list-style-type: none"> • Individual contributions are limited to \$4000 for municipal candidates. The same limit applies to self-funded campaigns. • The donation portion of fundraising contributions is subject to general contribution restrictions and limits. <p>It is the responsibility of the <u>contributor/ donator</u> to ensure, before making a contribution under the Act, that the contributor/donator is not prohibited from making a contribution and is not making a contribution that is in excess of the \$4000 limit.</p>	
Campaign and Spending Limits	<ul style="list-style-type: none"> • By way of a future regulation, spending limits for municipal and school board elections will be established and municipalities/school boards will be enabled to set a lower limit by bylaw. • A candidate who exceeds the limits determined by the regulation is liable to a fine of not more than \$10,000. 	<p>Effective date: December 11, 2018 the Act's amendments come into force but no limits will apply until the regulations is developed.</p>
Campaign Bank Accounts	<ul style="list-style-type: none"> • A candidate, self-funded or not, MUST open a campaign bank account once total contributions to the candidate's campaign exceeds \$1,000. • If a candidate's contributions do not exceed \$1,000, they are NOT required to open a campaign bank account. 	<p>Effective date: December 11, 2018</p>
Nomination Period, Definition of a Candidate and Campaign Period	<ul style="list-style-type: none"> • The "nomination period" now begins January 1 of the year of the general election and ends on Nomination Day (6 weeks before the general election). • Once your nomination has been filed, you are considered a candidate and may begin to accept contributions. • The campaign period is January 1 – December 31 in the year of the general election and you CANNOT accept campaign contributions or incur any campaign expenses until you have been nominated as a candidate. • You can accept nominal contributions or incur expenses outside of the campaign 	<p>Effective date: December 11, 2018</p>



	period so long as the total amount of contributions or expenses does not exceed \$2,000.	
Campaign Donation Surplus	<ul style="list-style-type: none"> The municipality or school board may hold all surplus funds from all candidates in one bank account and that those monies are not subject to interest. A municipality or school board may accept the donation of the surplus of a candidate who does not run in a subsequent election. 	Effective date: December 11, 2018
Definition of Campaign Expenses	<ul style="list-style-type: none"> It is the responsibility of the candidate to ensure that money in the campaign account shall only be used for the payment of campaign expenses as defined in section 147.1(1)(a). 	Effective date: December 11, 2018
Accountability and Transparency Amendments		
Advertisement Distribution and Campaign Activities at a Voting Station	<ul style="list-style-type: none"> Candidates are prohibited from any type of campaign activities and any actions considered to be an attempt to solicit or influence votes in and on the property surrounding a building used as a voting station. Those found guilty may be subject to a fine of up to \$500. 	Effective date: January 1, 2019.
List of Candidates	<ul style="list-style-type: none"> Municipalities and school boards are required to post the names of candidates within 48 hours following the close of nominations. The returning officer must post or direct someone to post at the office of the local jurisdiction, the names of those nominated. 	Effective date: January 1, 2019.
Voter Accessibility Amendments		
List of Acceptable Identification	<ul style="list-style-type: none"> The Minister of Municipal Affairs and the Minister of Education are empowered, through Ministerial Order, to create a list of acceptable identification in addition to the list provided by the Chief Electoral Officer of Alberta. 	Effective date: January 1, 2019.
Vouching	<ul style="list-style-type: none"> Expanded vouching provisions to allow for an elector who has shown valid identification and signs the appropriate declarations to vouch for an elector who does not have identification. 	Effective date: January 1, 2019.



Residency Requirement	<ul style="list-style-type: none"> The six-month residency requirement has been removed. <p>Now, in order to be an eligible voter, one must be:</p> <ul style="list-style-type: none"> 18 years old A Canadian Citizen Resident of Alberta and electors place of residence must be located in the local jurisdiction on Election Day. 	Effective date: January 1, 2019.
Advance Votes	<ul style="list-style-type: none"> Local jurisdictions with populations greater than 5,000 <u>are required to</u> hold an advance vote for municipal councilors or for votes on a bylaw/question. 	Effective date: January 1, 2019.
Third Party Advertising		
Third Party Advertising	<ul style="list-style-type: none"> Rules have been added governing the finances and accountability of third parties that advertise to promote or oppose the election of a candidate, or to take a position on an issue with which a candidate is associated. The rules for contributions, receipting, handling of funds, and disclosure reporting of activities will generally parallel the rules that apply to municipal and school board candidates, and also parallel requirements set out for provincial campaigns where possible. Like the rules for provincial campaigns, certain prohibited corporations, non-residents, and registered charities will be unable to make contributions to third party advertisers, but Alberta corporations and trade unions will generally be able to make contributions for such advertising. Expense limits for election period advertising are being considered. 	Effective date: December 11, 2018
General Clarifying and Technical Amendments		
Substitute Returning Officer	<ul style="list-style-type: none"> All municipalities and school boards must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer or secretary of a school board has assumed the role of returning officer. 	Effective date: January 1, 2019.



Rejection of Nomination Paper	<ul style="list-style-type: none"> The returning officer is required to refuse a nomination paper if it is not signed by at least five electors (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate. 	Effective date: January 1, 2019.
Official Agent	<ul style="list-style-type: none"> You may, at the time of submitting your nomination paper, also submit written affirmation of the name, address and telephone number of your official agent. This appointment is not required. 	Effective date: January 1, 2019.
Non-Age Related Institutional Voting	<ul style="list-style-type: none"> The <i>Act</i> has been amended to allow for institutional voting in locations that reflect level of care rather than age. 	Effective date: January 1, 2019.
Notification Requirements	<ul style="list-style-type: none"> Municipalities are able to align their election notifications with a bylaw passed under Section 606.1 of the <i>Municipal Government Act (MGA)</i> that allows for electronic or other methods of advertising. Many municipalities refer to these bylaws as “advertising bylaws” or “Public notification bylaws” 	Effective date: January 1, 2019.
Incapacitated Electors	<ul style="list-style-type: none"> Amend the term to “persons with disabilities”, or similar wording such as “elector who is unable to vote in the usual manner” depending on the context. 	Effective date: January 1, 2019.
Recounts in a Ward	<ul style="list-style-type: none"> The <i>Act</i> was amended to clarify that if a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality (s.98). 	Effective date: January 1, 2019.
Tie Votes on a Bylaw or Question	<ul style="list-style-type: none"> The <i>Act</i> clearly states that to be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw. 	Effective date: January 1, 2019.
Notification of By-Election for a Ward/Division	<ul style="list-style-type: none"> Clarify that notification of a by-election for advance vote and Election Day is only required to be given to the electors in the ward/division where the by-election is occurring. 	Effective date: January 1, 2019.



Alternatives:

This report is provided as information.

Recommended Action:

This report is provided as information.

Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer

Implementation Fact Sheet

Campaign Finance and Contribution Disclosure Amendments to the *Local Authorities Election Act*, 2018

Campaign Finance and Contribution Disclosure Requirements

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: s. 2(4), s. 3(4),
s. 22 (1.2) (1.3), s.147.3 (1)(f) (g), s.147.3 (2),
s. 147.4, s. 147.7, s. 147.8, s. 147.12, s. 147.81, s.
147.82, s. 147.83, s. 147.84

Previous requirement:

1. The campaign finance rules contained in the *LAEA* did not apply to school boards and the school boards could set their own disclosure and surplus rules.
2. Candidates were required to disclose names and addresses of donors whose contributions exceed \$100.
3. Candidates who ran self-funded campaigns were not required to submit financial disclosure statements.

What's changed?

1. All campaign finance provisions apply to school board trustee candidates. s. 22 (1.2) (1.3), s. 147.12
2. Candidates are required to disclose names and addresses of donors whose contributions exceed \$50. s. 147.4

3. Financial disclosure statements are required from all candidates, included self-funded campaigns. s.147.12, s.147.3 (1)(f) (g),s. 147.3 (2), s. 147.4, s. 147.7, s. 147.8, s. 147.81, s. 147.82, s. 147.83, s. 147.84

What do School Boards need to know?

School Boards are no longer able to set their own disclosure and surplus rules and candidates must follow the rules in the *LAEA*.

What do prospective candidates need to know?

All candidates in municipal and school board elections must follow the Campaign Finance and Disclosure rules in the *LAEA*.

Candidates must disclose the names and addresses of donors whose contributions exceed \$50.

All candidates, regardless of being self-funded or accepting contributions, are required to file a disclosure statement with the municipality and/or school division in which they sought election.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

Corporate and Union Donations

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: s. 147.1 (1)(d) (e)(f) (g), s. 147.13, s. 147.2 (1)(2) (6), s. 147.23, s. 147.24, s. 147.32, s. 147.33

Previous requirement:

The LAEA previously allowed campaign donations from corporations, trade unions and employee organizations.

What's changed?

Prohibited organizations, including corporations and unincorporated organizations, including trade unions and employee organizations, are prohibited from contributing to municipal election campaigns.

What does the public need to know?

No corporation or unincorporated organization, including a trade union and employee organization, and no individual ordinarily residing outside Alberta, shall make a contribution to a candidate. s. 147.2(2)

What do prospective candidates need to know?

Only an individual ordinarily residing in Alberta may make a contribution to a candidate. s. 147.2(1)

When do these changes take place?

The amendments to the LAEA came into force December 11, 2018.

Fundraising Contributions

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 147.1 (1)(c), s. 147.1 (2)(3), s. 147.2 (3)(4)(5), s. 147.31**

Previous requirement:

1. The LAEA established a \$5,000 contribution limit per year for any person, corporation, trade union and employee organization, to a candidate.
2. The LAEA established a \$10,000 per campaign period contribution limit for self-funded candidates.
3. The LAEA did not address fundraising functions in municipal/school board elections.

What's changed?

1. The contribution limit has been lowered to \$4000 per campaign period for municipal elections and \$4000 per campaign period for school board elections. **s. 147.3**
2. Individual contributions are limited to \$4000 for municipal candidates and \$4000 for school board candidates. The same limit applies to self-funded campaigns. **s. 147.2(3)**
3. The donation portion of fundraising contributions is subject to general contribution restrictions and limits. **s. 147.31(1)**

What does the public need to know?

No individual ordinarily residing in Alberta shall contribute in any campaign period an amount that exceeds;

- \$4000 in total to candidates for election as councillors; and,
- \$4000 in total to candidates for election as school board trustees. **s. 147.2 (3)**

Thus, an individual may make as many contributions to as many school board and municipal candidates in their jurisdiction as they wish as long as the total combined amount of all of those contributions does not exceed \$4000 per school board and \$4000 per municipality.

*For example, an individual may contribute \$2000 to candidate one and \$2000 to candidate two but **CANNOT** contribute over \$4000 to both candidates one and two.*

*A second example; an individual may contribute \$4,000 to candidate one but **CANNOT** contribute to any other candidate.*

What do prospective candidates need to know?

It is the responsibility of the contributor/donor to ensure, before making a contribution under the LAEA, that the contributor/donor is not prohibited from making a contribution and is not making a contribution that is in excess of the \$4000 limit. **s. 147.13 (1)**

When do these changes take place?

The amendments to the LAEA came into force December 11, 2018.

Campaign Spending Limits

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 147.34, 147.85, 147.91(1)(a)**

Previous requirement:

The *LAEA* did not contemplate spending limits in municipal or school board elections.

What's changed?

By way of a future regulation, spending limits for municipal and school board elections will be established and municipalities/school boards will be enabled to set a lower limit by bylaw. **s. 147.91**

What do prospective candidates need to know?

Once the regulation is in place, no candidate and no chief financial officer of a candidate shall incur election expenses that exceed, in total, the amounts determined by the regulations. **s. 147.34**

A candidate who exceeds the limits determined by the regulation is liable to a fine of not more than \$10,000. **s. 147.85**

When do these changes take place?

The amendments to the *LAEA* enabling the creation of a spending limit regulation came into force December 11, 2018. The regulation is currently being developed and no limits will apply until the regulation is in place.

Campaign Bank Accounts

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 147.3**

Previous requirement:

The *LAEA* required that a candidate open a bank account once total contributions received reach \$5,000. Self-funded candidates were not required to open a bank account.

What's changed?

The *LAEA* requires all candidates, including self-funded candidates, to open a bank account when at least \$1,000 in total contributions is received, including money contributed by the candidate for their campaign. **s. 147.3(1)**

What do prospective candidates need to know?

A candidate, self-funded or not, **MUST** open a campaign bank account once total contributions to the candidate's campaign exceeds \$1000.

If a candidate's contributions do not exceed \$1000, they are **NOT** required to open a campaign bank account.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

Nomination Period, Definition of a Candidate and Campaign Period

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: [s. 1\(s.1\)](#), [s. 12\(a\)](#), [s. 25](#), [s. 27](#), [s. 28](#), [s. 1\(e.1\)](#), [s. 147.1 \(1\)\(b\)](#), [s. 147.22](#)

Previous requirement:

1. Nomination day was defined in the *LAEA* as being 4 weeks prior to election day, between 10am and 12noon.
2. A candidate had to register with the municipality in which they intend to run prior to accepting campaign contributions. Registration could occur at any time over the 4 year campaign period.
3. The *LAEA* identifies a 'candidate' as an individual nominated as a candidate for election as a councillor of a municipality under the *LAEA* or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses.
4. The *LAEA* defines 'campaign period' as being the period beginning January 1 immediately following a general election to December 31 following the next general election.
5. Requirements 2 to 4 did not apply to candidates for school boards, as they could set their own campaign finance rules by bylaw.

What's changed?

1. Rather than nominations being restricted to a period of 2 hours, 4 weeks prior to election day, nomination papers will now be accepted by a jurisdiction at the beginning of the campaign period (January 1 in the year of an election) to 6 weeks prior to election day. [s. 25\(2\)\(a\)](#)

In the case of by-elections, the "nomination period" will commence the day following the resolution of council or school board setting the date of the by-election. Nominations will

be accepted up until 6 weeks prior to the date of the by-election. [s. 25\(2\)\(b\)](#)

Nomination day (which is now the final day to accept nominations) is 6 weeks before election day. [s. 25\(1\)](#)

2. All individuals are required to be nominated in the municipality and/or school board they intend to run in prior to incurring campaign expenses or accepting campaign contributions. [s. 147.22](#)
3. An individual may accept contributions or incur expenses outside of the campaign period so long as the total amount of contributions or expenses does not exceed \$2,000. [s.147.22\(3\)](#)
4. The *LAEA* identifies a "candidate" as any person who is nominated for election as a councillor of a municipality or trustee of a school board. [s. 1\(e.1\)](#)
5. The definition of "campaign period" is now January 1-December 31 in the year of a general election. [s. 147.1 \(1\)\(b\)](#)

What do individuals already campaigning for the 2021 general elections need to know?

No additional contributions may be received and no campaign spending may occur until the campaign period begins January 1, 2021. [s.147.94](#), [s.147.95](#), [s.147.96](#)

What do prospective candidates need to know?

1. The "nomination period" now begins January 1 of the year of the general election and ends on Nomination Day (6 weeks before the general election).
2. Once your nomination has been filed, you are considered a candidate and may begin to accept contributions.
3. The campaign period is January 1 – December 31 in the year of the general election and you CANNOT accept campaign contributions or incur any campaign expenses until you have been nominated as a candidate.

4. You can accept nominal contributions or incur expenses outside of the campaign period so long as the total amount of contributions or expenses does not exceed \$2,000. **s.147.22(3)**

What does the public need to know?

1. You may nominate an individual to become a candidate in a general election any time from the start of the campaign period (January 1 in the year of the general election) until Nomination Day (6 weeks prior to the election).
2. You CANNOT contribute to an individual's campaign until they have filed their nomination papers and have become a candidate.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

Campaign Donation Surplus

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 147.5**

Previous requirement:

1. Candidates who identified a surplus when filing their campaign disclosure were required to turn that surplus over to be held in-trust by the municipality.

The individual would have the surplus returned if they file nomination papers in the next general election or by-election.
2. Municipalities were required to hold campaign surpluses in trust and at the interest rate prescribed by the Lieutenant Governor in Council.
3. If a candidate did not file nomination papers in the next general election, the candidate was required to, within six months, instruct the municipality to donate the surplus to a charity of their choice (in accordance with the *Income Tax Act*). If no direction is received, the surplus becomes the property of the municipality

What's changed?

1. The *LAEA* has been amended to clarify that the money held in-trust by the municipality or school board may be kept in one bank account rather than specified accounts for each candidate.
2. The *LAEA* has been amended to clarify that money held in-trust by the municipality or school board is not subject to interest.
3. The *LAEA* has been amended to clarify that candidates who do not run in a subsequent election may choose to donate their surplus funds to the municipality or school board instead of a registered charity.

What does the municipality or school board need to know?

1. The municipality or school board may hold all surplus funds from all candidates in one

bank account and that those monies are not subject to interest.

2. A municipality or school board may accept the donation of the surplus of a candidate who does not run in a subsequent election.

What do prospective candidates need to know?

Any campaign surplus will be held in-trust by your municipality or school board. It will be returned to you if you run in a subsequent election or must be donated to a registered charity or your municipality or school board.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

Definition of Campaign Expenses

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 147.1(1)(a)**

Previous requirement:

The *LAEA* describes allowable election expenses as expenses that are lawfully incurred and payment is not a contravention of the *Act*; these include:

- the actual personal expenses of the candidate;
- the costs of acquiring premises, accommodation, goods, or services used for proper election campaign purposes;
- bona fide payments for the fair cost of printing and advertising; and,
- reasonable and ordinary payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings, or by any person in connection with and for the proper purposes of an election.

What's changed?

"Campaign expense" means any expense incurred, or non-monetary contribution received.

The use of goods that were purchased in an election campaign in a 2nd or subsequent election is considered to be a non-monetary contribution. Reusing these materials is considered to be a non-monetary contribution for the purposes of a campaign expense.

An election expense includes an expense incurred for, or a non-monetary contribution in relation to:

- the production of advertising or promotional material;
- the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the election period, including by the use of a capital asset;
- the payment of remuneration and expenses to or on behalf of a person for the person's

services as a chief financial officer or in any other capacity;

- the securing of meeting space, or the conduct of election surveys or other surveys or research during an election period.

What do prospective candidates need to know?

It is the responsibility of the candidate to ensure that money in the campaign account shall only be used for the payment of campaign expenses as defined in section **147.1(1)(a)**.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

What resources are/will there be available to assist?

Running for Municipal Office in Alberta – A Candidate's Guide – COMING SOON

Implementation Fact Sheet

Accountability and Transparency Amendments to the *Local Authorities Election Act*, 2018

Advertisement Distribution and Campaign Activities at a Voting Station

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 152, s. 152.1**

Previous requirement:

1. The LAEA prohibited the distribution of pamphlets and materials inside the voting station as well as the display of these materials on the inside or outside of the voting station but did not prohibit the distribution of materials outside of the building, or any other campaign activities in or around a voting station.
2. The LAEA allowed for the removal of campaign advertising, and specified that the deputy returning officer is not liable for trespass or damages for carrying out the removal.

What's changed?

1. The LAEA extends the prohibition of campaign activities and advertising on the property surrounding a building used as a voting station. **s. 152.**

The LAEA also prohibits activities in and around a voting station that would involve soliciting votes or communicating for the purpose of influencing votes. **s. 152.1**

2. The LAEA was amended to clarify that the returning officer may request/require/instruct that campaign advertising be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property. **s. 152.1**

What do prospective candidates need to know?

Candidates are prohibited from any type of campaign activities and any actions considered to be an attempt to solicit or influence votes in and on the property surrounding a building used as a voting station. Those found guilty may be subject to a fine of up to \$500.

What does the public need to know?

Your voting environment will be protected from outside influence.

If an elector feels that there are campaign activities taking place at the voting station, they can report them to the Returning Officer who has the authority to stop the activity, require the individual(s) taking part in the activity to leave, or request that the individual(s) move locations.

The Returning Officer has the authority to request the assistance of a Peace Officer to aid in maintaining public access to the voting station or to remove a person who has refused to comply with the orders of the Returning Officer.

What do municipalities and school boards need to know?

The Returning Officer has the discretion to have advertising removed and instruct those considered to be obstructing the voting process or campaigning to leave the property. The Returning Officer may request the assistance of a Peace Officer if deemed necessary.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

List of Candidates

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 28(10)**

Previous requirement:

There was no requirement in the *LAEA* for a list of candidates to be posted following nomination day.

Municipalities were required to report nomination information to Municipal Affairs which then posts the information on the ministry website.

What's changed?

Municipalities and school boards are required to post the names of candidates within 48 hours following the close of nominations.

The returning officer must post or direct someone to post at the office of the local jurisdiction, the names of those nominated. **s. 28(10)**

What does the public need to know?

A List of Candidates will be made available by the municipality within 48 hours of Nomination Day. The list is required to be posted at the office of the local jurisdiction but municipalities and school boards may also choose to post the list on local websites or social media pages. It is recommended that the public check with their municipality to determine where they can find the list of candidates.

What do municipalities and school boards need to know?

The Returning Officer must ensure a List of Candidates is posted at the office of the local jurisdiction, within 48 hours of Nomination Day.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

Implementation Fact Sheet

Voter Accessibility Amendments to the *Local Authorities Election Act*, 2018

List of Acceptable Identification

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 53, s. 53.01, s. 53.02**

Previous requirement:

All electors are required to produce identification that shows name and current address.

The LAEA allows an elector to produce government issued photo identification or one piece of identification outlined by the Chief Electoral Officer of Alberta's list of acceptable identification.

What's changed?

The Minister of Municipal Affairs and the Minister of Education are empowered, through Ministerial Order, to create a list of acceptable identification in addition to the list provided by the Chief Electoral Officer of Alberta. **s.53.02**

What does the public need to know?

Since 2013, all voters attending a voting station for the purpose of voting must produce identification to prove name and current address. Acceptable pieces of identification include:

- government issued identification (either municipal, provincial or federal);
- any one piece of identification approved by the Chief Electoral Officer of Alberta; or
- any other type of identification allowed for by the Minister of Municipal Affairs or the Minister of Education.

What do municipalities and school boards need to know?

Electors can provide government issued identification (either municipal, provincial or federal), any one piece of identification approved by the Chief Electoral Officer of Alberta, or any other type of identification allowed for by the Minister of Municipal Affairs or the Minister of Education.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

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Vouching

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 53(4)(5)(6)(7)**

Previous requirement:

The LAEA currently allows for vouching of another elector only if a municipality or school board has a list of electors.

What's changed?

Expanded vouching provisions to allow for an elector who has shown valid identification and signs the appropriate declarations to vouch for an elector who does not have identification. **s. 53(4)**

What does the public need to know?

In order to vouch for a person, the elector who is vouching for a person must make a statement, in the prescribed form, that they know the person and know that the person resides at the address indicated on the person's statement. **s. 53(7)**

What do municipalities and school boards need to know?

A scrutineer shall not vouch for a person in either a general election or by-election. **s. 53(5)**

An elector who has relied on vouching to validate their identity and address cannot vouch for a person. **s. 53(6)**

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Residency Requirement

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 47, s. 49(5)**

Previous requirement:

The LAEA outlines that to be eligible to vote an elector must be 18 years old, a Canadian Citizen, an Alberta resident for six consecutive months preceding election day, and a resident of the local jurisdiction on election day.

What's changed?

The six-month residency requirement has been removed.

What does the public need to know?

To be eligible to vote an elector must be:

- 18 years old;
- A Canadian Citizen;
- resident in Alberta; and,
- the electors place of residence must be located in the local jurisdiction on election day. **s. 47**

What do municipalities and school boards need to know?

All residents of Alberta who meet all other requirements are eligible to vote on election day.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Advance Votes

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 73, s. 75**

Previous requirement:

The LAEA allowed for a municipality or school board to pass a resolution allowing for one or more advance votes.

If a resolution was passed, the returning officer must determine the dates, times and locations of the voting stations.

What's changed?

Local jurisdictions with populations greater than 5,000 are required to hold an advance vote for municipal councillors or for votes on a bylaw/question. **s. 73(3)**

Municipalities with populations of less than 5,000, as well as all school divisions, continue to be enabled to pass a resolution allowing for an advance vote.

What does the public need to know?

If an individual resides in a municipality with a population greater than 5,000, an advance vote must be held. Electors are encouraged to watch for notification outlining when the advance vote will take place or contact their local municipal office for more information.

If an individual resides in a municipality with a population less than 5,000, the municipality may choose to establish an advance vote through a resolution of council. Electors are encouraged to contact their local municipal office for information about whether a resolution was passed.

School boards may also choose to establish an advance vote by resolution; electors should contact their local school board for more information about whether a resolution was passed.

What do municipalities and school boards need to know?

Local jurisdictions greater than 5,000 **must** provide for an advance vote.

Municipalities less than 5,000 **may** provide for an advance vote through a resolution of council.

School boards may, by resolution, provide for an advance vote for an election.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

Implementation Fact Sheet

Third Party Advertising Amendments to the *Local Authorities Election Act*, 2018

Third Party Advertising

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **Part 8**

Previous requirement:

The LAEA did not address third-party advertising in municipal and school board elections.

What's changed?

Rules have been added governing the finances and accountability of third parties that advertise to promote or oppose the election of a candidate, or to take a position on an issue with which a candidate is associated.

The rules for contributions, receipting, handling of funds, and disclosure reporting of activities will generally parallel the rules that apply to municipal and school board candidates, and also parallel requirements set out for provincial campaigns where possible.

Like the rules for provincial campaigns, certain prohibited corporations, non-residents, and registered charities will be unable to make contributions to third party advertisers, but Alberta corporations and trade unions will generally be able to make contributions for such advertising.

Expense limits for election period advertising are being considered.

What does the public need to know?

Third parties interested in advertising during a municipal or school board election or to oppose or promote a candidate, will be required to register with the municipality or school board they intend to advertise in.

Third party advertisers will be required to file disclosure statements detailing advertisements, expenses, and contributions received.

Third party advertisers will be required to know who is eligible to make a contribution, expense limits (to be set by regulation) and all reporting requirements to the municipality.

What do municipalities or school boards need to know?

Municipalities and school boards will be responsible for ensuring that a register of all third party advertisers that have registered is available to the public during regular business hours. They will also be responsible for collecting disclosure statements from third party advertisers and making them available to the public during regular business hours.

When do these changes take place?

The amendments to the LAEA came into force December 11, 2018.

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Implementation Fact Sheet

General Clarifying and Technical Amendments to the *Local Authorities Election Act*, 2018

Substitute Returning Officer

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 13, s. 17**

Previous requirement:

The *LAEA* allowed for the chief elected official (mayor, reeve, or board chair) to appoint a substitute returning officer in the event that the returning officer was unable to fulfill their duties.

What's changed?

The *LAEA* requires a substitute returning officer be appointed by the municipal council or school board at the time a returning officer is appointed.

In the instance where a chief administrative officer (CAO) or a secretary of a school board assumes the responsibility of the returning officer, a council or school board must make a resolution identifying a substitute returning officer in the event the CAO is unable to fulfill the duties of returning officer.

What do municipalities and school boards need to know?

All municipalities and school boards must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer or secretary of a school board has assumed the role of returning officer.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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Rejection of Nomination Paper

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 28(4)**

Previous requirement:

The LAEA stated that a returning officer must refuse a nomination paper if it has not been signed by five eligible electors and is not accompanied by a deposit (if required by bylaw).

What's changed?

The returning officer is required to refuse a nomination paper if it is not signed by at least five electors (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.

What do prospective candidates need to know?

It is important to ensure your nomination paper is complete in the prescribed form and accompanied by a deposit (if required) prior to submitting the form and deposit to the returning officer. Failure to do so will result in your nomination paper being rejected.

What do municipalities or school boards need to know?

The returning officer shall reject a nomination not completed as prescribed, including if the paper has not been sworn/affirmed by the person wishing to become a candidate.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Official Agent

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 27(1)(c)(ii)**

Previous requirement:

Each person nominated as a candidate may appoint an elector as the candidate's official agent. The candidate assigns the duties of an official agent.

What's changed?

The LAEA clarifies that the role of "official agent" is not mandatory.

What do prospective candidates need to know?

You may, at the time of submitting your nomination paper, also submit written affirmation of the name, address and telephone number of your official agent.

This appointment is not required.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Non-Age Related Institutional Voting

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 1(y), s. 1(z.2), s. 1(z.3), s. 80**

Previous requirement:

The LAEA referred to a “seniors’ accommodation facility” as a lodge accommodation as defined in the Alberta Housing Act, or a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older.

What’s changed?

The LAEA has been amended to allow for institutional voting in locations that reflect level of care rather than age.

What do municipalities or school boards need to know?

A “supportive living facility” is defined as:

- (i) a lodge accommodation as defined in the *Alberta Housing Act*, or
- (ii) a facility for adults or senior citizens that provides assisted living and accommodation but does not include a treatment centre (**s. 1(z.2)**)

A “treatment centre” if defined as:

- (i) a hospital or a facility under the *Mental Health Act*, or
- (ii) any facility not referred to in subclause (i) providing medical treatment or care on an in-patient basis (**s. 1(z.3)**)

What does the public need to know?

If you reside in a supportive living facility or treatment centre as defined above, you are eligible to vote at an institutional voting station, if provided for by a municipality. (**s. 80**)

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Notification Requirements

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 158.1**

Previous requirement:

The LAEA required that the notice of nomination day and notice of election day be published at least once in each of the two weeks prior to nomination day and election day in a newspaper or other publication circulating in the area; alternatively, the notice must be mailed at least one week prior to every residence in the municipality.

What's changed?

Municipalities are able to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Government Act (MGA)* that allows for electronic or other methods of advertising. Many municipalities refer to these bylaws as “advertising bylaws” or “Public notification bylaws”

What does the public need to know?

If a municipality has passed a bylaw that outlines the type of methods that are acceptable for advertising, then the municipality may use those methods to provide notices related to the election. These include those outlined in the following sections of the LAEA:

- 26 (Notice of nomination day);
- 35 (Notice of election);
- 53.01; 53.1 (Proof of elector eligibility); and
- 74 (Notice of advance vote).

What do municipalities need to know?

A municipality must pass a bylaw in accordance with section 606.1 of the *MGA* to allow for and use electronic or other methods of advertising authorized by that bylaw. (**s.158.1**)

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Incapacitated Electors

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 77.1, s. 77.2(5)(f), s. 79(1) (3)**

Previous requirement:

The LAEA used the term “incapacitated elector” and established procedures for assisting an elector who may require assistance during the voting process by either a friend/relative or an election worker.

What's changed?

Amend the term to “persons with disabilities”, or similar wording such as “elector who is unable to vote in the usual manner” depending on the context.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Recounts in a Ward

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 98**

Previous requirement:

The *LAEA* outlined the process that the returning officer must follow when contemplating or conducting a recount. Those procedures did not contemplate recounts specific for wards/divisions.

What's changed?

The *LAEA* was amended to clarify that if a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality (s.98).

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

Tie Votes on a Bylaw or Question

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 95(2)**

Previous requirement:

In the cases of a vote on a bylaw or question, more than 50% of the persons voting must vote in favour of the bylaw or affirmatively on the question to be considered approved by the electors.

What's changed?

The *LAEA* clearly states that to be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw. (**s. 95(2)**)

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

Notification of By-Election for a Ward/Division

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 35, .s 74(1.2)**

Previous requirement:

The *LAEA* provides requirements for advertising nomination day, election day and advance votes.

However, the legislation did not set out narrower notification requirements for by-elections occurring for just some of the wards/divisions.

What's changed?

Clarify that notification of a by-election for advance vote and election day is only required to be given to the electors in the ward/division where the by-election is occurring.

What do the public need to know?

Only those electors living in the ward/division where a by-election is occurring are required to be notified of advance vote and election day details.

What do municipalities or school boards need to know?

For a by-election, the municipality or school board is only required to notify those electors who reside in the ward/division where the by-election is occurring of advance voting and election day details. (**s. 35, s. 74(1.2)**)

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

Frequently asked questions:

Local Authorities Elections Act

Why is the *Local Authorities Elections Act* Changing?

- Municipalities, school boards and the public routinely bring forward suggestions for amendments to the LAEA.
- As a general practice, Municipal Affairs reviews the legislation following each municipal general election (most recently after the 2017 local elections).
- In July 2018, Municipal Affairs conducted broad consultation with Albertans and key stakeholders on a full suite of policy considerations.
- Municipal Affairs reviewed all consultation feedback and brought forward proposed amendments to the legislation during the 2018 Fall Legislative Session.

What are the changes to Campaign Finance Contribution and Disclosure?

- Campaign finance and contribution disclosure requirements will now also apply to School Board Elections
- Corporations, trade unions and employee organizations are not allowed to contribute to candidates.
- Contributions may only be accepted in the year of the general election or during the period of time established for a by-election.
- Contribution limit is reduced from \$5,000 to \$4,000 (per jurisdiction and in aggregate to all candidates, not per candidate).
- The donation portion of fundraising contributions are now subject to contribution limits and disclosure requirements.
- There will now be regulated campaign spending limits.
- Candidates must be nominated before incurring any campaign expenses or accepting contributions.
- Campaign period is shortened from 4 years to one year (January 1 through December 31 of a general election year).
- Nomination period will now align with beginning of the campaign period (Nine months, January 1 of general election year until the day occurring six weeks before election).
- Prior campaign surpluses will be returned to candidates at time of nomination (up to nine months before an election).

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- The definition of expense will align with the provincial legislation, and expense reporting will be more detailed (broken down by category).
- Candidates must open a dedicated campaign bank account when contributions reach \$1,000 (previously \$5,000), and must include monies contributed by the candidate for their campaign.
- Municipalities are no longer required to pay interest on surplus funds held in trust for candidates between elections (no interest rate had been established under the previous legislation), and municipalities may keep surplus funds for all candidates in one bank account.
 - Individual candidates will receive their surplus, if any, when they file nomination papers in the next election or by-election, or may choose to donate their surplus funds to the municipality or a registered charity of their choosing.
- Candidates must disclose names and addresses of all donations exceeding \$50 (previously was \$100).
- Financial disclosure statements are now required for all self-funded campaigns. (Previous rule had been for self-funded campaigns over \$10,000.)

Are there any changes to voter accessibility requirements?

Yes, the following things have changed in the new *LAEA*:

- List of acceptable identification may be expanded.
 - The Minister of Municipal Affairs may create a list of acceptable identification, in addition to government issued identification and identification provided by the List of Acceptable Identification produced by the Chief Electoral Officer of Alberta.
- Vouching provisions will be expanded to allow for an elector who has shown valid identification and signs the appropriate declarations to vouch for an elector who does not have identification.
 - Expanding the vouching provisions will limit the instances of disenfranchising electors and create a more accessible local election process.
- The six-month Alberta residency requirement to be an eligible elector has been removed to align with provincial rules.
- Municipalities with populations of over 5,000 must provide advance voting.
 - Municipalities with populations of less than 5,000, as well as all school boards, may on a voluntary basis provide for an advance vote.

Will elected officials and candidates be held more accountable and be more transparent?

Yes, the new *LAEA* contains multiple restrictions regarding advertising and campaigning in and near voting stations, and provides more authority to Returning Officers to enforce these restrictions.

- Campaign activities and advertising on property surrounding voting stations will be prohibited.
- Returning Officers can enforce the restriction on campaign activities or advertising at voting stations by causing campaign advertising to be removed,

and instruct those obstructing the voting process or taking part in campaign activities to leave the property.

- Third-party advertising is restricted in municipal and school board elections, including registration requirements and limits on expenses.
- The names of nominated candidates will be released by municipalities 48 hours following the close of nominations.

Are there any other changes that have occurred to the LAEA?

Numerous clarifying and technical amendments were approved, including:

- A substitute returning officer must be appointed at the time a returning officer is appointed.
- The returning officer can reject a nomination paper that does not have the correct number of signatures, has not been sworn/affirmed and/or is not accompanied by a deposit (if required).
- Clarification that the role of 'official agent' is not mandatory.
- The Minister will no longer be required to be notified of the use of special ballots, or be required to appoint special ballot advisors.
- Age related limitations for institutional votes in care facilities have been removed.
- Municipalities may choose to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Governance Act* that allows for electronic or other methods of advertising.
- The term "incapacitated elector" was amended to "persons with disabilities" or similar wording depending on the context.
- Clarification that if a recount has been requested in a municipality/school board that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested, and not the entire municipality/school division.
- Notification of a by-election for advance vote and election day is only required to be given to the electors in the affected ward/division.

How will the Government enforce the new rules?

The mandate of the Alberta Election Commissioner has been expanded to include certain elements of local authority elections, specifically pertaining to campaign finance and third-party advertising. This means the Election Commissioner can assess:

- Letters of reprimand
- Administrative penalties
- Compliance agreements
- Prosecution
- Candidates, contributors, third party advertisers, local jurisdictions (CAOs and ROs).
- All other aspects of the LAEA continue to be enforced through the courts.

Implementation Checklist

Amendments to the *Local Authorities Election Act*, 2018

*Amendments came into force January 1, 2019

Campaign Finance and Contribution Disclosure – Part 5		
Subject Matter	Description of the Change	Section Numbers
Campaign Finance and Contribution Disclosure Requirements (Application to School Board Trustee Candidates)	<ol style="list-style-type: none"> 1. All campaign finance provisions apply to school board trustee candidates. 2. Candidates are required to disclose names and addresses of donations exceeding \$50. 3. Financial disclosure statements are required from all candidates, included self-funded campaigns. <p><u>What Does A School Board Need to Know</u> School Boards are no longer enabled to set their own disclosure and surplus rules and candidates must follow the rules in the <i>LAEA</i>.</p>	<p>s. 22 (1.2) (1.3), s. 147.12</p> <p>s. 147.4</p> <p>s. 147.12, s.147.3 (1)(f) (g), s. 147.3 (2), s. 147.4, s. 147.7, s. 147.8, , s. 147.81, s. 147.82, s. 147.83, s. 147.84</p>
Corporate and Union Donations	<p>Corporations, trade unions and employee organizations are prohibited from contributing to municipal election campaigns.</p> <p><u>What Does a Municipality Need to Do</u> Clarify, when necessary, for the public and candidates that only an individual ordinarily resident in Alberta may make a contribution to a candidate.</p>	<p>s. 147.1 (1)(d) (e)(f) (g), a. 147.13, s. 147.2 (1)(2) (6), s. 147.23, s. 147.24, s. 147.32, s. 147.33</p>
Contribution Limit	<ol style="list-style-type: none"> 1. The contribution limit has been lowered to \$4,000 per campaign period for municipal elections and \$4,000 per campaign period for school board elections. 2. Individual contributions are limited to \$4,000, in the aggregate, to all candidates, for all municipalities, and a separate \$4,000 maximum for school board candidates. The same limit applies to self-funded campaigns. 	<p>s. 147.2(3)</p> <p>s. 147.2(3)</p> <p>s. 147.31</p>

	<p>3. The donation portion of fundraising contributions is subject to general contribution restrictions and limits.</p> <p><u>What Does a Municipality Need to Do</u></p> <p>Clarify, when necessary, for the public and candidates that an individual may make as many contributions to as many candidates in their jurisdiction as they wish as long as the total combined amount of all of those contributions does not exceed \$4000.</p> <p>Advise it is the responsibility of the donor to ensure a contribution is not made in excess of the limit.</p>	
Spending Limits	By way of a future regulation, spending limits for municipal and school board elections will be established and municipalities/school boards will be enabled to set a lower limit by bylaw.	s. 147.91
Campaign Bank Accounts	All candidates, including self-funded candidates, are required to open a bank account when at least \$1,000 in total contributions is received, including money contributed by the candidate for their campaign.	s. 147.3(1)
Definition of Candidate and Campaign Period	<p>A “candidate” is any person who is nominated for election as a councillor of a municipality or trustee of a school board.</p> <p>The “campaign period” is now January 1-December 31 in the year of a general election.</p> <p>The “campaign period” in the case of a by-election, begins the day after the bylaw or resolution has been passed, setting the date of the by-election. The campaign period ends 60 days immediately following the by-election.</p> <p><u>For Individuals already campaigning for the 2021 General Elections</u></p> <p>No additional contributions may be received and no campaign spending may occur until January 1, 2021 to align with amendments to the campaign period.</p>	<p>s. 1(e.1)</p> <p>s. 147.1 (1)(b)</p> <p>s.147.94, s.147.95, s.147.96</p>
Nomination Day and Nomination Papers	<p>Nomination papers may be accepted by a jurisdiction at the beginning of the campaign period (January 1 in the year of an election) and any time after until 6 weeks prior to election day.</p> <p>In the case of by-elections, the “nomination period” will commence the day following the resolution of council setting the date of the by-election. Nominations will be accepted up until 6 weeks prior to the date of the by-election.</p> <p>Nomination day (the last day on which nominations can be accepted) is 6 weeks before election day.</p> <p>All individuals are required to be nominated in the municipality and/or school board they intend to run in prior to incurring campaign expenses or accepting campaign contributions.</p>	<p>s. 25(2)(a)</p> <p>s. 25(2)(b)</p> <p>s. 25(1)</p> <p>s. 147.22</p>

	An individual may accept contributions or incur expenses outside of the campaign period so long as the total amount of contributions or expenses does not exceed \$2,000.	s.147.22(3)
Campaign Donation Surplus	<ol style="list-style-type: none"> 1. Money held in-trust may be kept in one bank account rather than specified accounts for each candidate. 2. Money held in-trust is not subject to interest. 3. Candidates who do not run in a subsequent election may choose to donate their surplus funds to the municipality instead of a registered charity. <p><u>What Does a Municipality Need to Do</u> A municipality may hold all surplus funds from all candidates in one bank account; those monies are not subject to interest.</p> <p>A municipality may accept the donation of the surplus of a candidate who does not run in a subsequent election.</p>	s. 147.5
Clarification of Allowable Election Expenses	<ol style="list-style-type: none"> 1. "Campaign expense" means any expense incurred, or non-monetary contribution received. 2. The use of goods in a 2nd or subsequent election is a non-monetary contribution. 3. A campaign expense includes an expense incurred for, or a non-monetary contribution in relation to: <ul style="list-style-type: none"> • the production of advertising or promotional material; • the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset; • the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity; • securing meeting space, or the conduct of election surveys or other surveys or research during a campaign period. 	s. 147.1(1)(a), (4)

Voter Accessibility

Subject Matter	Description of the Change	Section Numbers
List of Acceptable Identification	<p>The relevant Minister (Municipal Affairs or Education), through Ministerial Order, may create a list of acceptable identification in addition to the list provided by the Chief Electoral Officer of Alberta's list.</p> <p><u>What Does A Municipality Need to Know</u> Electors can provide government issued identification (either municipal, provincial or federal), any one piece of identification approved by the Chief Electoral Officer of Alberta, or any other type of identification allowed for by the relevant Minister (Municipal Affairs or Education).</p>	s. 53.02
Vouching	<p>Expanded vouching provisions allow for an elector who has shown valid identification and signed the appropriate declarations to vouch for an elector who does not have identification.</p> <p><u>What Does A Municipality Need to Know</u> A scrutineer shall not vouch for a person.</p> <p>An elector who has relied on vouching to validate their identity and address cannot vouch for a person.</p>	<p>s. 53(4)</p> <p>s. 53(5)</p> <p>s. 53(6)</p>
Residency Requirement	<p>The six-month residency requirement has been removed.</p> <p><u>What Does A Municipality Need to Know</u> All residents of Alberta who meet all other requirements are eligible to vote on election day.</p>	<p>s. 47, s. 49(5)</p> <p>s. 47</p>
Advance Votes	<p>Local authorities with populations greater than 5,000 are required to hold an advance vote for municipal councillors or for votes on a bylaw/question.</p> <p>Municipalities with populations of less than 5,000, as well as all school divisions, continue to be enabled to pass a resolution allowing for an advance vote.</p> <p><u>What Does A Municipality Need to Know</u> Municipalities greater than 5,000 must provide for an advance vote.</p> <p>Municipalities less than 5,000 may provide for an advance vote through a resolution of council.</p>	<p>s. 73(3)</p> <p>s. 73(4)</p>

Accessibility and Transparency

Subject Matter	Description of the Change	Section Numbers
Advertisement Distribution and Campaign Activities at a Voting Station	<p>1. Campaign activities and advertising are prohibited on the property surrounding a building used as a voting station.</p> <p>Activities in and around a voting station that would involve soliciting votes or communicating for the purpose of influencing votes are also prohibited.</p> <p>2. The returning officer may cause campaign advertising to be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property.</p> <p><u>What Does A Municipality Need to Know</u> The Returning Officer has the discretion to have advertising removed and instruct those considered to be obstructing the voting process or campaigning to leave the property.</p> <p>The returning officer may request the assistance of a Peace Officer if deemed necessary.</p>	<p>s. 152.1</p> <p>s. 152.1</p>
List of Candidates	<p>Municipalities and school boards MUST post the names of candidates within 48 hours following the close of nominations.</p> <p><u>What Does A Municipality Need to Know</u> The returning officer must post or cause to be posted the names of those nominated at the municipal office.</p>	s. 28(10)

General Clarifying and Technical Amendments

Subject Matter	Description of the Change	Section Numbers
Substitute Returning Officer	<p>A substitute returning officer MUST be appointed by the municipal council or school board at the time a returning officer is appointed.</p> <p>In the instance where a chief administrative officer (CAO) or a secretary of a school board assumes the responsibility of the returning officer, a council must make a resolution identifying a substitute returning officer in the event the CAO is unable to fulfill the duties of returning officer.</p> <p><u>What Does A Municipality Need to Do</u> All municipalities must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer has assumed the role of returning officer.</p>	s. 13, s. 17 (repealed)
Rejection of Nomination Paper	<p>The returning officer MUST refuse a nomination paper if it is not signed by at least five persons (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.</p> <p><u>What Does A Municipality Need to Do</u> The returning officer MUST reject a nomination not completed as prescribed, including if the paper has not be sworn/affirmed by the person wishing to become a candidate.</p>	s. 28(4)
Official Agent	The role of “official agent” is not mandatory.	s. 27(1) (c)(ii)

Non-Age Related Institutional Voting	<p>The <i>LAEA</i> enables institutional voting in locations that reflect level of care rather than age.</p> <p><u>What Does A Municipality Need to Know</u></p> <p>A “supportive living facility” is defined as:</p> <ul style="list-style-type: none"> (i) a lodge accommodation as defined in the <i>Alberta Housing Act</i>, or (ii) a facility for adults or senior citizens that provides assisted living and accommodation but does not include a treatment centre <p>A “treatment centre” is defined as:</p> <ul style="list-style-type: none"> (i) a hospital or a facility under the <i>Mental Health Act</i>, or (ii) any facility not referred to in subclause (i) providing medical treatment or care on an in-patient basis 	<p>s. 1(y) (repealed), s. 1(z.2), s. 1(z.3), s. 80</p> <p>s. 1(z.2)</p> <p>s. 1(z.3)</p>
Notification Requirements	<p>Municipalities are enabled to align their election notifications with a bylaw passed under Section 606.1 of the <i>Municipal Government Act (MGA)</i> that allows for electronic or other methods of advertising.</p> <p><u>What Does A Municipality Need to Do</u></p> <p>A municipality must pass a bylaw in accordance with section 606.1 of the <i>MGA</i>, should the municipality wish to allow for and use electronic or other methods of advertising authorized by that bylaw.</p>	s.158.1
Incapacitated Electors	<p>The term was amended to “persons with disabilities”, or similar wording depending on the context.</p>	s. 77.1, s. 77.2(5)(f), s. 79(1) (3)
Recounts in a Ward	<p>If a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality.</p>	s. 98
Tie Votes on a Bylaw or Question	<p>To be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw.</p>	s. 95(2)
Notification of By-Election for a Ward/Division	<p>Notification of a by-election for advance vote and election day is only required to be given to the electors in the ward/division where the by-election is occurring.</p> <p><u>What Does A Municipality Need to Do</u></p> <p>For a by-election, the municipality is only required to provide notice of advance voting and election day details to those electors who reside in the ward/division where the by-election is occurring.</p>	s. 35, .s 74(1.2)

Consequential Amendments to other Legislation – Municipal Government Act (MGA)

Sections	Description of the Change
MGA s. 144	A bylaw to change the number of councillors must be passed by December 31 of the year before the next general election.
MGA s. 149	A bylaw to change wards or divisions must be passed by December 31 of the year before the next general election
MGA s. 151	A bylaw to choose whether to appoint or elect the chief elected official must be passed by December 31 of the year before the next general election.
MGA s. 174	A councillor is disqualified from council for failure to file a disclosure statement by the end of the time period referred to in s. 147.7 of the LAEA.

Consequential Amendments to other Legislation – *Northland School Division Act*

Sections	Description of the Change
NSD s. 8(2)	Removes requirement to have resided in Alberta for the 6 months preceding election day.
NSD s. 8(6)	Requires a bylaw to be passed prior to December 31 of the year before the next general election.

Consequential Amendments to other Legislation – *School Act*

Sections	Description of the Change
SA s. 256(1)(a)(v)	Removes requirement to have resided in Alberta for the 6 months preceding election day.

Regulations

Sections	Description of the Change
37(3), 39(2), 52(2), 77.1(2)(f), 77.1(2.1), 78, 79(3.1), 84, 85.1, 93.1	<p>Elevate provisions of the following regulations into the <i>LAEA</i>, as the provisions are still required/relevant:</p> <ul style="list-style-type: none"> • Ballot Box Regulation • Modified Voting Procedure Regulation • City of Edmonton Election Regulation • City of Calgary Election Regulation • City of Red Deer Election Regulation <p>Amend the Local Authorities Election Forms Regulation to align with the amendments being proposed to the <i>LAEA</i>.</p>

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Province of Alberta

LOCAL AUTHORITIES ELECTION ACT

Revised Statutes of Alberta 2000
Chapter L-21

Current as of January 1, 2019

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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:

2018 c23 s56 adds Part 9 ss190 to 205.

2012 cE-0.3 s276 amends ss1, 8, 21(3), 22, 24(1), 27(2), 48(2) and (3), 77.1(2.4)(c), 118(2), repeals and substitutes s147.1(1)(g)(vi).

Regulations

The following is a list of the regulations made under the *Local Authorities Election Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	<i>Amendments</i>
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Local Authorities Election Act

Ballot Box Repeal	263/2018	
Deficit Elimination Transitional.....	36/2019	
Local Authorities Election Act		
Regulations Repeal.....	221/2018	
Local Authorities Election Forms	106/2007	68/2008, 81/2010, 164/2010, 73/2013, 84/2017, 264/2018

LOCAL AUTHORITIES ELECTION ACT

Chapter L-21

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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) “advance vote” means a vote taken in advance of election day;
- (b) “area” means the area within the boundaries of a local jurisdiction;
- (c) “bribery” means bribery within the meaning of section 116;
- (d) “by-election” means an election other than a general election or a first election;
- (e) “bylaw” includes a resolution on which the opinion of the electors is to be obtained;
- (e.1) “candidate” means an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee;
- (f) “constable” means a person appointed under this Act as a constable;
- (g) “council” means the council of a municipality as described in the *Municipal Government Act*;
- (h) “councillor” means a member of council;
- (i) “Court” means the Court of Queen’s Bench;
- (j) “deputy” means the deputy returning officer;
- (k) “elected authority” means
 - (i) a council under the *Municipal Government Act*, or
 - (ii) a board of trustees under the *School Act*;

- (iii) repealed 2001 c11 s4;
- (l) “election” means a general election, first election, by-election and a vote on a bylaw or question;
- (m) “election day” means the day fixed for voting at an election;
- (n) “elector” means a person eligible to vote at an election;
- (n.1) “elector register” means the prescribed form on which the name of a person who has registered to vote is recorded;
- (o) “first election” means first election referred to in section 8;
- (p) “general election” means an election held for all the members of an elected authority to fill vacancies caused by the passage of time;
- (q) “judge” means a judge of the Court;
- (r) “local jurisdiction” means a municipality or a district or division as defined in the *School Act*, as the case may be;
- (s) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (s.1) “nomination day” means the day referred to in section 25(1);
- (t) “officer” means a returning officer or deputy;
- (t.1) “official agent” means a person appointed as an official agent pursuant to section 68.1;
- (t.2) “prescribed form” means the appropriate form as set out in the regulations;
- (t.3) “presiding deputy” means a deputy who has been appointed as a presiding deputy pursuant to section 14, by a returning officer;
- (t.4) “registered charity” means a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (u) repealed 2001 c11 s4;
- (v) “relevant Minister” means,

- (i) in the case of a municipality, the Minister responsible for the *Municipal Government Act*, or
- (ii) repealed 2001 c11 s4,
- (iii) in the case of a district or division as defined in the *School Act*, the Minister responsible for Part 8 of the *School Act*;
- (w) “returning officer” means a person appointed under this Act as a returning officer and includes a person acting in the returning officer’s place;
- (w.1) “scrutineer” means a person recognized as a scrutineer pursuant to section 69 or appointed pursuant to section 70;
- (x) “secretary” means a chief administrative officer or designated officer of a municipality if the council has assigned the functions of the secretary under this Act to the designated officer, or the secretary of a school board;
- (y) repealed 2018 c23 s2;
- (z) “spoiled ballot” means a spoiled ballot as described in section 65;
- (z.1) “spouse” means the spouse of a married person but does not, for the purposes of section 22(4), 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;
- (z.2) “supportive living facility” means
 - (i) a lodge accommodation as defined in the *Alberta Housing Act*, or
 - (ii) a facility for adults or senior citizens that provides assisted living and accommodationbut does not include a treatment centre;
- (z.3) “treatment centre” means
 - (i) a hospital or a facility under the *Mental Health Act*, or
 - (ii) any facility not referred to in subclause (i)providing medical treatment or care on an in-patient basis;

- (aa) “undue influence” means undue influence within the meaning of section 117;
- (bb) repealed 2018 c23 s2;
- (cc) “voting station” means the place where an elector votes;
- (dd) “voting subdivision” means that area of a local jurisdiction or ward designated as a voting subdivision by the elected authority or the returning officer;
- (ee) “ward” means
 - (i) a ward under the *Municipal Government Act*, or
 - (ii) repealed 2001 c11 s4,
 - (iii) a ward or an electoral subdivision under the *School Act*.
RSA 2000 cL-21 s1;2001 c11 s4;2002 cA-4.5 s52;
2003 c27 s2;2006 c22 s2;2014 c8 s17;2018 c23 s2

Part 1 Election Procedure

Joint elections

- (1)** An elected authority may hold an election separately or in conjunction with another elected authority in the same area.
- (2)** An elected authority may by resolution enter into an agreement with one or more elected authorities in the same area for the conduct of an election.
- (3)** The agreement referred to in subsection (2) must state which elected authority is responsible for the conduct of the election, and that elected authority must ensure that the procedures prescribed under this Act for holding an election are complied with, including procedures in respect of the retention and destruction of election materials.
- (4)** The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (2) has all the rights, powers and duties of the elected authorities that have entered into that agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27.

RSA 2000 cL-21 s2;2006 c22 s3;2012 c5 s103;2018 c23 s3

Joint elections

3(1) An elected authority may by resolution enter into an agreement for the conduct of an election with one or more elected authorities of local jurisdictions that do not have contiguous boundaries but do have areas in common.

(2) An agreement under subsection (1)

- (a) must state which elected authority and which returning officer is responsible for the conduct of the election in which area or part of an area,
- (b) must require each elected authority to appoint a returning officer, and
- (c) may, subject to subsections (3) and (4), provide for all other matters necessary for the conduct of the election.

(3) A person may be a returning officer for more than one elected authority.

(4) The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (1) has all the rights, powers and duties of the elected authorities that have entered into the agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27.

(5) The elected authority that is responsible for the conduct of the election must ensure that the procedures prescribed under this Act for holding an election are complied with, including procedures in respect of the retention and destruction of election materials.

RSA 2000 cL-21 s3;2006 c22 s4;2012 c5 s104;2018 c23 s4

Improvement district and special area elections

4 If an election is to be held in an improvement district or special area, the Minister may assume any of the powers, duties or functions of an elected authority under this Act in respect of that election.

1985 c38 s3;1995 c24 s99(15)

Procedure modification

5 All proceedings that, in the opinion of an elected authority, are necessary to give full effect to section 73, 77.1, 77.2, 77.3, 79, 80 or 81 are deemed to be authorized notwithstanding any inconsistencies that may arise between any of those sections and any other provision of this Act.

RSA 2000 cL-21 s5;2006 c22 s5

Ministerial powers

6(1) The relevant Minister may

- (a) give directions governing the conduct of a general election, first election, by-election or vote on a bylaw or question if the relevant Minister considers the provisions of this Act insufficient, and
- (b) require the elected authority to conduct a vote of the electors on any question specified by the relevant Minister at the same time as a general election is held or any question respecting any matter over which the elected authority has jurisdiction.

(2) The relevant Minister may decide any questions arising from the difficulty or impossibility of applying this Act and in so deciding the relevant Minister may by order alter dates prescribed by this Act for the doing of any matter or thing and may give other directions.

(3) If there are wards in an area, the provisions of this Act respecting a general election apply unless specifically varied in this Act, and if the bylaw, resolution or order establishing wards does not provide for any matter, the relevant Minister may by order give direction as to that or any other matter or thing requisite to the proper conduct of an election.

(4) The *Regulations Act* does not apply to directions given under this section.

1983 cL-27.5 s5

Voting on bylaw or question

7 If this or any other Act provides for the submission of a bylaw or question to the electors for their assent or approval, the bylaw or question shall be submitted to a vote in accordance with this Act.

1983 cL-27.5 s6; 1994 cM-26.1 s642(42)

First elections

8(1) In a newly formed local jurisdiction,

- (a) nominations, and
- (b) the first election, if an election is required,

shall be held on the dates fixed by the relevant Minister and the persons elected hold office from the beginning of the first organizational meeting of the elected authority to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) The relevant Minister shall provide for the conduct of a first election.

(2.1) Parts 5.1 and 8 apply, with necessary modifications as determined by the relevant Minister, to a first election.

(3) Notwithstanding any other Act, if an Act or an order under an Act is passed to create a new municipality or a new district or division as defined in the *School Act*, the first election for the municipality, district or division may be held on a date prior to the date on which the Act or order comes into force.

(4) A person elected at an election referred to in subsection (3) shall not be sworn into office before the effective date of the formation of the municipality, district or division, as the case may be.

RSA 2000 cL-21 s8;2018 c23 s5

Term of office

9(1) A person elected under this Act, unless otherwise disqualified from remaining in office, holds office from the beginning of the organizational meeting of the elected authority following the general election to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) A person elected to an elected authority to fill a vacancy caused other than by the passage of time holds office from when the person takes the oath of office for the remainder of the period the person's predecessor would have held office had that predecessor continued in office.

1983 cL-27.5 s8;1994 cM-26.1 s642(42)

General term of office

10(1) Commencing with the year 2013,

- (a) the members of an elected authority elected at a general election hold office for a term of 4 years, and
- (b) a general election shall be held every 4th year.

(2) If a declaration is made under section 34(1) with respect to every office of the elected authority, those declared elected may hold an organizational meeting before the date of the general election.

(3) Despite subsection (1), an organizational meeting held pursuant to subsection (2) terminates the term of office of the members of the elected authority elected at the previous general election.

RSA 2000 cL-21 s10;2003 c27 s3;2006 c22 s6;2012 c5 s105

Election day

11(1) Election day for a local jurisdiction

- (a) in the case of a general election, if required, is to be the 3rd Monday in October, or
- (b) in the case of a by-election or vote on a bylaw or question, shall be the day fixed by a resolution of the elected authority.

(2) Notwithstanding subsection (1)(a), an elected authority may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, provide that the election day in the local jurisdiction is to be the Saturday immediately preceding the 3rd Monday in October.

1983 cL-27.5 s10;1991 c23 s2(3)

Summer villages

12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

- (a) election day
 - (i) in the case of a general election for council or for school representatives, shall be 6 weeks after the day established by council for the receipt of nominations for that election, and
 - (ii) in the case of a by-election or vote on a bylaw or question, shall be as established by resolution of the summer village council,
- (b) a person is entitled to vote at an election if
 - (i) the person is eligible to vote under section 47,
 - (ii) the person is 18, a Canadian citizen and is named on a certificate of title as the person who owns property within the summer village, or
 - (iii) the person is 18, a Canadian citizen and is the spouse or adult interdependent partner of a person referred to in subclause (ii),

- (c) the nomination of candidates for election as councillors shall be in the form prescribed for use under section 27(1) and shall be signed by at least 5 electors eligible to vote at that election,
- (d) in the case of a general election, nominations for councillors shall be received by the returning officer in June or July or both June and July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,
- (e) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 10 a.m. and 12 noon at a date and place established by council,
- (f) voting hours in an election or in a vote on a bylaw or question shall be between the hours of 10 a.m. and 7 p.m., and section 46 applies except as to hours,
- (g) the time limit for withdrawal of nominations shall be 48 hours and section 32 applies except as to hours, and
- (h) in order to qualify for nomination as a councillor, a person is not required to be a resident of the summer village but must be entitled to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding election day.

RSA 2000 cL-21 s12;2002 cA-4.5 s52;
2003 c27 s4;2006 c22 s7;2018 c23 s6

Appointment of returning officer and substitute returning officer

13(1) An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act by June 30 of the year in which the election occurs or, for a by-election or vote on a question or bylaw, in the resolution or bylaw that fixes the day for the by-election or vote on a question or bylaw.

(2) If the elected authority does not appoint a returning officer, the secretary is deemed to have been appointed as the returning officer.

(2.1) An elected authority must, by resolution, appoint a substitute returning officer by June 30 of the year in which the election occurs or, for a by-election, in the resolution or bylaw that fixes the day for the by-election.

(3) The returning officer or substitute returning officer for a local jurisdiction may not be a candidate for the elected authority for that local jurisdiction.

(4) If, through illness, absence or other incapacity, the returning officer is incapable of performing the duties of returning officer, the substitute returning officer has and may exercise all the duties, functions and powers of a returning officer for the purposes of conducting elections under this Act.

RSA 2000 cL-21 s13;2018 c23 s7

Impartiality

13.1(1) A returning officer must be independent and impartial when performing the duties of a returning officer.

(2) No local jurisdiction, its officers or any other person shall obstruct or attempt to influence the returning officer in the carrying out of the duties of a returning officer.

2006 c22 s8

Duties of returning officer

14(1) In addition to performing the duties specified in this or any other Act, a returning officer shall

- (a) appoint a presiding deputy, deputies, constables and other persons as required;
- (b) establish voting stations;
- (c) designate at least 2 deputies to work at each voting station, one of whom shall be designated as the presiding deputy, who is to be in charge of the voting station;
- (d) provide for the supply and delivery of ballots, ballot boxes, instructions to electors and other necessary supplies to all voting stations;
- (e) give notice of nominations;
- (f) receive and process nominations;
- (g) declare acclamations;
- (h) give notice of elections;
- (i) do all things necessary for the conduct of an election.

(2) A returning officer has all the duties and powers of a presiding deputy and deputy.

(3) A returning officer may delegate any of the returning officer's powers and duties to a constable, presiding deputy or deputy and may impose conditions and restrictions on the delegation.

RSA 2000 cL-21 s14;2006 c22 s9;2018 c23 s8

Presiding deputy

14.1 A presiding deputy shall carry out the duties of a presiding deputy under this Act and any other duties that a returning officer assigns to the presiding deputy.

2006 c22 s10

Constable

15(1) The presiding deputy at a voting station is charged with maintaining the peace at the voting station and with the approval of the returning officer, may appoint a constable to maintain order at the voting station, and may summon to the deputy's assistance in a voting station a police officer or any other person for the purpose of maintaining order, preserving the public peace, preventing any breach of the public peace, or removing any person who, in the opinion of the deputy presiding at the voting station, is obstructing the voting or contravening this Act.

(2) When requested to do so under subsection (1), a police officer shall forthwith attend on and assist the deputy making the request in the exercise of the deputy's powers under that subsection.

1983 cL-27.5 s15;1991 c23 s2(6)

Oath, statement

16(1) Every returning officer before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

(2) Every deputy, enumerator, scrutineer and constable before performing the duties of that office must subscribe to a statement in the prescribed form.

RSA 2000 cL-21 s16;2003 c27 s5;2006 c22 s11;2012 c5 s106

17 Repealed 2018 c23 s9.

Substitute deputy or constable

18 If a person who has been appointed a deputy or constable becomes incapable of carrying out the duties of that office, the returning officer or a deputy returning officer may, in writing, appoint another person to act in the place of that person.

RSA 2000 cL-21 s18;2003 c27 s6

Secretary's duties

19(1) The secretary shall for the purposes of this Act,

- (a) on the request of the returning officer, provide the returning officer with information and assistance, and
 - (b) on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.
- (2) The secretary may delegate any powers and duties of the secretary under this Act to the returning officer.

RSA 2000 cL-21 s19;2003 c27 s7

Administration of oaths

20 The returning officer, a presiding deputy or a commissioner for oaths is authorized to administer an oath to a person making an oath that is authorized or required by this Act.

RSA 2000 cL-21 s20;2003 c27 s8;2006 c22 s12

Qualification of candidates

21(1) A person may be nominated as a candidate in any election under this Act if on nomination day the person

- (a) is eligible to vote in that election,
 - (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and
 - (c) is not otherwise ineligible or disqualified.
- (2) Notwithstanding subsection (1), in the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.
- (3) Notwithstanding subsection (1), a candidate for trustee of a board of a school district that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school district.
- (4) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this section, to have been a resident, during that time, of the local jurisdiction to which the land was added.

RSA 2000 cL-21 s21;2018 c23 s10

Ineligibility

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) subject to subsection (4), the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;
- (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada).
- (e),(f) repealed 2006 c22 s13.

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school,

in Alberta unless the person takes a leave of absence under this section.

(1.2) A person is not eligible to be nominated as a candidate for election as a councillor or a school board trustee if

- (a) a report was transmitted under section 147.8(1) in respect of the person,
- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
- (c) subject to subsection (1)(d.1), nomination day for the election occurs within
 - (i) the 8-year period following the day on which the secretary transmitted the report to council or the school board, or
 - (ii) where the disclosure statement required by section 147.4 has been filed with the secretary, the 3-year period following the day of filing,

whichever period expires first.

(1.3) Subsection (1.2) applies

- (a) with respect to a candidate for election as a councillor, if a report has been transmitted under section 147.8(1)(a) respecting a campaign period beginning on or after January 1, 2014, and
- (b) with respect to a candidate for election as a school board trustee, if a report has been transmitted under section 147.8(1)(b) respecting a campaign period beginning on or after January 1, 2019.

(2) Repealed 2006 c22 s13.

(3) Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a school board.

(4) Subsection (1)(b) does not apply to a person by reason only

- (a) - (f) repealed 2018 c23 s11;
- (g) that the person is appointed to a position under the *Emergency Management Act*;
- (h) repealed 2018 c23 s11;
- (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;

(j) - (l) repealed 2018 c23 s11;

(m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

(5) A person who is an employee of a municipality and who wishes to be nominated as a candidate in an election to be held for that municipality may notify that person's employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(5.1) A person employed by an entity referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify that person's employer on or after July 1 in the year of an election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every person who notifies an employer in accordance with subsection (5) or (5.1) is entitled to a leave of absence without pay.

(6.1) Repealed 2012 c5 s107.

(7) An employee who takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.

(8) If an employee who takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.

(9) If an employee who takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.

(10) If an employee who takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the

first working day after the declaration is made, and subsections (7) and (8) apply.

(11) Subject to subsection (12), an employee who takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.

(12) If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (7) and (8) apply.

RSA 2000 cL-21 s22;2001 cC-28.1 s458;2001 c23 s1(11);
2002 cA-4.5 s52;2002 c23 s1;2006 c22 s13;2007 c12 s12;
2009 c53 s104;2010 c9 s1;2012 c5 s107;2018 c23 s11

Ineligibility for nomination

23(1) A person is not eligible to be nominated for more than one office of the same elected authority.

(2) A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority

- (a) unless the member's term of office is expiring, or
- (b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

1983 cL-27.5 s23

Re-election

24(1) A person who held office on a board of trustees under the *School Act* and

- (a) who resigned that office to avoid making restitution for money the person received that disqualified the person from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or
- (b) who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,

is not eligible to become a member of that board of trustees until after 2 general elections have occurred after the date on which the person was ordered to make restitution or was declared to be disqualified.

(2) Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge, subsection (1) applies and, if the person was re-elected, the person is not eligible to remain a member of the board of trustees.

(3) Notwithstanding subsections (1) and (2), a judge

- (a) who has made an order described in subsection (1)(a), or
- (b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

1983 cL-27.5 s24;1994 cM-26.1 s642(42)

Nomination day

25(1) Nomination day is 6 weeks before election day.

(2) A person may file a nomination to become a candidate

- (a) for a general election, within the period beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on nomination day, and
- (b) for a by-election, within the period beginning on the day after the resolution or bylaw is passed to set election day for the by-election and ending at 12 noon on nomination day.

RSA 2000 cL-21 s25;2018 c23 s12

Notice of nomination day

26(1) The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s26;2003 c27 s9

Form of nomination

27(1) Every nomination of a candidate must

- (a) be in the prescribed form,
 - (b) be signed by at least 5 persons who are electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
 - (c) be accompanied with a written acceptance sworn or affirmed in the prescribed form by the person nominated, stating
 - (i) that the person is eligible to be elected to the office,
 - (ii) the name, address and telephone number of the person's official agent, if one has been appointed,
 - (iii) that the person will accept the office if elected,
 - (iv) that the person will read and comply with the municipality's code of conduct if elected, and
 - (v) that the persons who have signed the nomination are electors who are eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
- and
- (d) if required by bylaw, be accompanied with a deposit in the required amount.

(1.1) A person who files a nomination shall also submit, in the prescribed form, the following information to the returning officer:

- (a) the full name and contact information of the candidate;
- (b) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (c) the name and address of the financial institutions to be used by or on behalf of the candidate for its campaign account, if applicable;
- (d) the names of the signing authorities for each account referred to in clause (c), if applicable.

(1.2) When there is any change in the information required to be provided under subsection (1.1), the candidate shall notify the local jurisdiction in writing within 48 hours after the change, and on

receipt of the notice the local jurisdiction shall update the information accordingly.

(1.3) Notice under subsection (1.2) may be sent by fax or e-mail.

(2) Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the *School Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

(3) Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.

(4) Repealed 2018 c23 s13.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14;
2017 c13 s4;2018 c23 s13

Nominations

28(1) Nominations shall be submitted at the local jurisdiction office at any time during the relevant period referred to in section 25(2).

(2) The person nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

(3) Any person may file a nomination described in section 27 in accordance with subsection (1).

(4) A returning officer shall not accept the following for filing:

- (a) a nomination that is not completed in the prescribed form;
- (b) a nomination that is not signed by at least the minimum number of persons required to sign the nomination;
- (c) a nomination that is not sworn or affirmed by the person nominated;
- (d) if a bylaw has been passed under section 29(1), a nomination that is not accompanied by the deposit required by the bylaw.

- (5) If the returning officer has not rejected a nomination form under subsection (4), the returning officer must sign the form to indicate that the form has been accepted.
- (6) At any time after the commencement of the relevant period referred to in section 25(2) until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.
- (7) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.
- (8) Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.
- (9) A statement referred to in subsection (8) may be forwarded by electronic means, including by fax or e-mail.
- (10) Within 48 hours of the close of nominations on nomination day, the returning officer shall post or cause to be posted at the local jurisdiction office the names of all candidates that have been nominated and the offices for which they were nominated.

RSA 2000 cL-21 s28;2003 c27 s11;2006 c22 s15;
2012 c5 s108;2018 c23 s14

Material to be provided to candidate

28.1 The returning officer, on receiving a nomination paper, must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52.

2006 c22 s16

Deposit

29(1) An elected authority may, by bylaw passed not fewer than 30 days before nomination day, require that every nomination be accompanied with a deposit in the amount fixed in the bylaw.

(2) An amount fixed in a bylaw under subsection (1) may not exceed

- (a) \$1000, in the case of a local jurisdiction with a population of more than 10 000, or

- (b) \$100, in any other case.

RSA 2000 cL-21 s29;2006 c22 s17

Disposition of deposit

30(1) When a bylaw has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or by money order.

(2) The candidate's deposit shall be returned to the candidate

- (a) if the candidate is declared elected,
- (b) if the candidate obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected to the office with the least number of votes, or
- (c) if the candidate withdraws as a candidate in accordance with section 32.

(3) If a candidate dies before the closing of the voting stations on election day, the sum deposited by the candidate shall be returned to the candidate's estate.

(4) If a candidate does not obtain the number of votes described in subsection (2)(b), the deposit shall be paid into the general revenue of the local jurisdiction for which the deposit requirement has been established.

RSA 2000 cL-21 s30;2003 c27 s12

Insufficient nominations

31(1) If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations

- (a) shall stand adjourned to the next day at the same place at the hour of 10 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office, and
- (b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of 6 days, including nomination day but not including Saturday, Sunday and holidays, as defined in the *Interpretation Act*, has elapsed.

(2) Repealed 2018 c23 s15.

(3) Notwithstanding subsection (1)(b), in the case of a summer village the period of 6 days includes Saturday and Sunday.

(4) If sufficient nominations to fill all vacancies are not received, the secretary shall immediately notify the relevant Minister, who may recommend a change in the status of the local jurisdiction or any other action the relevant Minister considers necessary.

RSA 2000 cL-21 s31;2018 c23 s15

Withdrawal of nomination

32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

1983 cL-27.5 s32

Death of candidate

33(1) An elected authority may, by a bylaw passed prior to nomination day, provide that if prior to the opening of the voting stations on election day a candidate for an elected authority dies after being nominated,

- (a) the election for the position for which the deceased candidate was nominated shall be discontinued, and
- (b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.

(2) If a candidate dies after being nominated and a bylaw has not been passed under subsection (1), the returning officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

1983 cL-27.5 s33;1991 c23 s2(14)

Election by acclamation

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected, the returning officer shall give to the secretary and the relevant Minister's Deputy Minister written notification signed by the returning officer of the names of the persons so elected and of the offices to which they were elected and the returning officer shall deliver the

nomination papers and other material relating to the receipt of nominations to the secretary.

(2.1) Repealed 2006 c22 s18.

(3) At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.

(4) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the nomination papers relate has expired.

RSA 2000 cL-21 s34;2003 c27 s13;2006 c22 s18

Notice of election

35(1) If more than the required number of persons for any office remain nominated 24 hours after the close of nominations, the returning officer shall declare that an election shall be held for filling that office.

(2) Subject to subsection (2.1), if an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

(2.1) If an election does not apply to an entire local jurisdiction, a notice published, mailed or delivered under subsection (2) is only required to be published, mailed or delivered in a ward or voting subdivision within that local jurisdiction where an election is required.

(3) The notice of a vote on a bylaw or question shall set out the text or a reasonably complete summary of the bylaw or question.

(4) On complying with subsection (2), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s35;2003 c27 s14;2018 c23 s16

Part 2 Voting Procedure

Voting subdivisions

36(1) The elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving of notice of an election and the election day.

(2) If voting subdivisions are not established under subsection (1),

- (a) the area, or
- (b) the ward, if there are wards,

is considered to be one voting subdivision.

1983 cL-27.5 s36;1985 c38 s9

Voting stations

37(1) The returning officer shall designate the location of one voting station only for each voting subdivision and the location may be outside the area.

(2) When a voting station designated by the returning officer is not available, the returning officer shall designate another place in the vicinity and shall, by notice posted at the original voting station, direct the electors to the other voting station.

(3) The elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to designate more than one voting station for each subdivision and the location of those voting stations for that election.

RSA 2000 cL-21 s37;2018 c23 s17

Compartments for voting

38(1) The returning officer shall ensure that each voting station is furnished with one or more voting compartments arranged so that an elector is screened from observation and may mark the elector's ballot without interference or interruption.

(2) In each voting compartment there shall be provided for the use of the electors in the marking of ballots a table, desk or shelf with a hard surface and a suitable marking instrument that shall be kept operational during the hours of voting.

1983 cL-27.5 s38;1997 c15 s11

Ballot boxes

39(1) The secretary shall provide sufficient ballot boxes to the returning officer.

(2) A ballot box must be made of durable material and so constructed that ballots can be deposited into the ballot box and cannot be removed from it unless the seal is broken and the ballot box opened.

RSA 2000 cL-21 s39;2018 c23 s18

Sealing the ballot box

40(1) The presiding deputy at a voting station shall, immediately after the opening of the voting station, show each ballot box to the persons present at the voting station so that they can see that it is empty, close and seal the box so that it cannot be opened without breaking the seal and place the box in the presiding deputy's view for the receipt of ballots.

(2) The presiding deputy at the voting station shall keep each ballot box closed and sealed and in full view of all present during the hours of voting.

(3) Subsections (1) and (2) apply to additional ballot boxes that are required at the voting station after the voting station has been opened.

RSA 2000 cL-21 s40;2006 c22 s19

Printing of ballots

41 If an election is required, the returning officer shall forthwith cause a sufficient number of ballots to be printed at the expense of the local jurisdiction.

1983 cL-27.5 s41

Names on ballot

42(1) A separate ballot shall be used for

- (a) the office of chief elected official;
- (b) the offices of councillors;
- (c) the offices of school representatives or trustees.

(2) The names of the candidates for

- (a) the office of chief elected official;
- (b) the offices of councillors;
- (c) the offices of school representatives or trustees;

must be placed on the ballot in the prescribed form.

(3) Every ballot used in an election for a member of an elected authority shall contain a brief explanatory note stating the maximum number of candidates who can be voted for in order not to make the ballot subject to being rejected.

(4) Every ballot used in an election for chief elected official shall contain a brief explanatory note stating that the ballot shall not be marked for more than one candidate.

RSA 2000 cL-21 s42;2006 c22 s20

Contents of ballot

43(1) Each ballot shall contain the name of each candidate.

(2) The names of the candidates on each ballot shall be arranged alphabetically in order of the surnames and, if 2 or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

(3) Notwithstanding subsection (2), if an elected authority passes a bylaw 2 months before an election that provides that

- (a) ballots shall be printed in as many lots as there are candidates for the office,
- (b) in the first lot the names of the candidates shall appear in alphabetical order,
- (c) in the 2nd lot the names shall appear in the same order, except that the first name in the first lot shall be placed last,
- (d) in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last, and
- (e) tablets of ballots to be used at each voting station shall be made up by combining ballots from the different lots in regular rotation so that no 2 consecutive electors may receive ballot papers from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used,

then the ballots used in an election while the bylaw is in force shall be in the form described in this subsection.

1983 cL-27.5 s43;1991 c23 s2(17)

Form of ballot

44(1) If there is to be a vote on a bylaw or question, the elected authority by resolution

- (a) must determine the wording to be used on the ballot, and
- (b) may determine the form of the ballot.

(2) If the elected authority does not determine the form of the ballot under subsection (1), the returning officer must do so.

1983 cL-27.5 s44;1997 c15 s12

Instructions for voters

45(1) Before the opening of the voting station, the presiding deputy at the voting station shall cause the printed instructions for the electors to be posted within each voting compartment and at a conspicuous location within the voting station and shall ensure that they remain posted there until the close of the voting station.

(2) The instructions shall be printed in clearly legible characters in the prescribed form.

(3) The local jurisdiction may authorize the presiding deputy to post the printed instructions in languages other than English at the voting stations as the local jurisdiction considers appropriate.

RSA 2000 cL-21 s45;2006 c22 s21

Voting hours

46(1) Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the voting station is to be open before 10 a.m.

(2.1) Despite subsection (1), an elected authority that is responsible for the conduct of an election under an agreement referred to in section 2(2) or 3(1) may, by a bylaw passed before June 30 of a year in which an election is to be held, provide that voting stations in an area that is subject to the agreement are to be open before 10 a.m.

(3) Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

(4) If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, the elector shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.

RSA 2000 cL-21 s46;2006 c22 s22

Eligibility to vote

47(1) A person is eligible to vote in an election held pursuant to this Act if the person

- (a) is at least 18 years old,
- (b) is a Canadian citizen, and
- (c) resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.

(2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

(3) If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

(4) Repealed 2018 c23 s19.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23;2018 c23 s19

Rules of residence

48(1) For the purposes of this Act, the place of residence is governed by the following rules:

- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
- (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,

- (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
- (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution

is deemed to reside with those family members;

- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

(1.1) For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:

- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
- (b) the address to which the person's income tax correspondence is addressed and delivered;
- (c) the address to which the person's mail is addressed and delivered.

(2) A person who is a resident of a public school district, school division or regional division or of a separate school district, school division or regional division under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

(3) Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

RSA 2000 cL-21 s48;2003 c27 s16;2010 c9 s1

Permanent electors register

49(1) Subject to this section, a municipality may, by bylaw,

- (a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,

- (b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and
- (c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

(2) If a bylaw is enacted under subsection (1), the municipality may enter into an agreement with the Chief Electoral Officer under the *Election Act*

- (a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and
- (b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

(3) In addition to the procedures, forms and methods prescribed by bylaw under subsection (1), with respect to compiling and revising a permanent electors register, the secretary may use any other information obtained by or available to the secretary.

(4) The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(5) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

- (a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and middle initial of the person,
- (c) the residential telephone number of the person,
- (d) the gender of the person,
- (e) the day, month and year of birth of the person, and

- (f) repealed 2018 c23 s20,
- (g) whether the person is a public school resident or a separate school resident.

(6) The information referred to in subsection (5)(d) and (e) obtained under this Act may be used only to verify the identification of an elector when compiling or revising the permanent electors register.

(7) Persons are entitled to have access to information in the permanent electors register about themselves or about another person on whose behalf they are authorized to act, to determine whether the information is correct.

RSA 2000 cL-21 s49;2006 c22 s24;2018 c23 s20

List of electors

50(1) The elected authority if it so desires may, by bylaw,

- (a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and
- (b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

(2) When a candidate files a nomination paper the returning officer shall, on the request of the candidate, provide the candidate the day after nominations may be withdrawn under section 32, if the candidate has not withdrawn, with a copy of the list of electors prepared pursuant to subsection (1), if any.

(3) The list of electors may be used only by

- (a) candidates for the purposes of campaigning for election, and
- (b) officers for the purposes of carrying out their duties under this Act.

RSA 2000 cL-21 s50;2003 c27 s17;2006 c22 s25

Enumerators' appointment and identification

51 If an elected authority passes a bylaw described in section 50, the elected authority shall

- (a) appoint, or authorize the secretary or returning officer to appoint, a sufficient number of enumerators to complete an enumeration of the electors residing in each voting subdivision or ward where an election is required, and

- (b) provide each enumerator with an identification badge.

1983 cL-27.5 s50

Access for enumerators and campaigners

52(1) A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker, shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

(2) A municipality may issue photo identification to an enumerator and that photo identification is deemed to be identification of that enumerator in the prescribed form for the purposes of subsection (1).

RSA 2000 cL-21 s52;2003 c27 s18;2006 c22 s26;2018 c23 s21

Proof of elector eligibility

53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote if

- (a) the person's name appears on the list of electors, if any, or
- (b) the person
 - (i) 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,
 - (ii) validates the person's identity and address of the person's residence in accordance with subsection (3), and
 - (iii) where required by a bylaw passed under section 53.01, produces the number and types of identification permitted by the bylaw to verify the person's age.

(2) A statement referred to in subsection (1)(b)(i) must include the address of the person's residence.

(3) A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)

- (a) if a bylaw has been passed under section 53.01, by producing the number and types of identification required by the bylaw, or
 - (b) by producing
 - (i) 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, the person's name and the address of the person's residence,
 - (ii) 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 establishes the person's name and current address, or
 - (iii) one piece of other acceptable identification referred to in section 53.02.
- (4)** Notwithstanding subsection (1)(b)(ii) and (iii), a person may validate the person's identity, the address of the person's residence and, if applicable, the person's age if the person is accompanied by an elector who
- (a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3) and, if applicable, verifies the elector's age in accordance with subsection (1)(b)(iii), and
 - (b) vouches for the person in accordance with subsection (7).
- (5)** A scrutineer shall not vouch for a person under subsection (4)(b).
- (6)** An elector shall not vouch for a person if the elector has relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.
- (7)** For the purposes of subsection (4)(b), an elector who vouches for a person must make a statement, in the prescribed form, that
- (a) the elector knows the person,
 - (b) the elector knows that the person resides at the address indicated in the person's statement, and
 - (c) the elector has not relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.

- (8) A person who attends at a voting station shall not be permitted to vote unless that person meets the requirements of this section.

RSA 2000 cL-21 s53;2006 c22 s27;2012 c5 s109;2018 c23 s22

Bylaws with respect to proof of elector eligibility

53.01(1) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(2) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(3) A bylaw passed under subsection (1) or (2) must provide that a returning officer shall accept one piece of identification referred to in section 53(3)(b) for that purpose.

(4) A bylaw under subsection (1) or (2)

- (a) may specify identification that a person may produce to validate the person's identity and the address of the person's residence in addition to the identification referred to in section 53(3)(b), and
- (b) may provide for the number and types of identification that a person must produce to validate the person's age.

(5) Before passing a bylaw in accordance with subsection (1) or (2), an elected authority must

- (a) advertise the proposed bylaw in accordance with section 53.1, and
- (b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

2018 c23 s22

Other acceptable identification

53.02(1) The relevant Minister may, by order,

- (a) establish other acceptable identification for the purpose of section 53(1)(b)(iii), and

- (b) provide a process for establishing the address of a person's residence if the person produces identification under section 53(1)(b) that uses a non-residential address.

(2) The *Regulations Act* does not apply to an order referred to in subsection (1).

2018 c23 s22

Advertising a proof of elector eligibility bylaw

53.1(1) Notice of a bylaw to be passed under section 53 must

- (a) be 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 relates, or
- (b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.

(2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.

(3) A notice under subsection (1) must contain

- (a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age,
- (b) the address where a copy of the proposed bylaw may be inspected, and
- (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.

(4) A certificate of a designated officer as defined in the *Municipal Government Act* 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.

(5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

2006 c22 s28;2012 c5 s110

Person objected to

54(1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the elector register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.

(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2) or 78.

(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the elector register the reason for the belief and initial it.

RSA 2000 cL-21 s54;2003 c27 s19;2006 c22 s29;
2012 c5 s111;2018 c23 s23

Secrecy of vote

55(1) Voting shall be by secret ballot.

(2) While an elector is in a voting compartment for the purpose of marking the elector's ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a position from which the person can see how the elector marks the elector's ballot.

(3) Except as provided in section 78, it is an offence for an elector to show the elector's ballot to any person so as to allow the elector's vote to be known.

(4) Notwithstanding subsections (2) and (3), an elector may be accompanied in a voting compartment by a minor if the deputy consents.

RSA 2000 cL-21 s55;2003 c27 s20

Maintenance of secrecy

56 No person shall be required to disclose in any legal proceedings whether the person has voted for a particular candidate or voted for or against a particular bylaw or question.

1983 cL-27.5 s56

Number of votes

57(1) Subject to subsection (2), an elector in an election may vote once for each of the persons the elector chooses to vote for.

(2) An elector may not vote for more than the number of persons to be elected to the office.

(3) In an election an elector may vote once on each bylaw or question.

1983 cL-27.5 s57;1997 c15 s17

Voting time for employees

58(1) An employee who is an elector shall, while the voting stations are open on election day, have 3 consecutive hours for the purpose of casting the employee's vote.

(2) If the hours of the employee's employment do not allow for 3 consecutive hours, the employee's employer shall allow the employee any additional time for voting that is necessary to provide the employee the 3 consecutive hours, but the additional time for voting is to be granted at the convenience of the employer.

(3) No employer shall make any deduction from the pay of an employee nor impose on the employee or exact from the employee any penalty by reason of the employee's absence from the employee's work during the 3 consecutive hours or part of it.

(4) Subsections (1), (2) and (3) do not apply if the employer provides for the attendance of an employee who is an elector at a voting station while it is open during the hours of the employee's employment with no deduction from the employee's pay and without exacting any penalty.

1983 cL-27.5 s58

Entries in elector register

59 The deputy shall record on the elector register that an elector has received a ballot for any one or more of the following that are applicable to the election:

- (a) chief elected official;
- (b) councillors;
- (c) public school trustees or representatives;
- (d) separate school trustees or representatives;
- (e) bylaw or question.

RSA 2000 cL-21 s59;2018 c23 s24

Initialling of ballot

60 When a deputy issues a ballot to an elector, it must be folded and initialled by the deputy so that the initials are visible without opening the ballot.

1983 cL-27.5 s60;1991 c23 s2(26)

Explanation of manner of voting

61 A deputy may, and on request shall, explain to an elector as concisely as possible the proper method of voting in accordance with the instructions to electors.

1983 cL-27.5 s61;1991 c23 s2(27)

Marking of ballots

62 On receiving the ballots that an elector is entitled to receive from a deputy, the elector shall forthwith proceed into the voting compartment provided and shall mark each of the elector's ballots

- (a) by placing an "X" on the right hand side opposite the name of the candidate of the elector's choice, or within the division on the paper containing the name of the candidate of the elector's choice, and
- (b) in the case of a ballot for a bylaw or question, by placing an "X" within the division of the paper marked "for" or "against", or within the division of the paper marked "yes" or "no",

whichever way the elector desires to vote.

1983 cL-27.5 s62;1991 c23 s2(28)

Disposal of marked ballot

63(1) After marking a ballot, the elector shall fold the ballot so as

- (a) to conceal the names of the candidates or the bylaw or question, and the marks on the face of the ballot, and
- (b) to expose the initials of the deputy issuing the ballot at the voting station,

and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the deputy who is supervising at the ballot box.

(2) The deputy supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

(2.1) Notwithstanding subsection (2), the deputy supervising at the ballot box may permit an elector to deposit the elector's ballot into the ballot box.

(3) After the elector's ballots are deposited in the ballot box, the elector shall forthwith leave the voting station.

RSA 2000 cL-21 s63;2003 c27 s21

Person deemed to have voted

64 A person whose ballot is deposited in a ballot box is deemed to have voted.

RSA 2000 cL-21 s64;2006 c22 s30

Replacement of spoiled ballot

65(1) An elector who has inadvertently dealt with the elector's ballot in a manner that it cannot be conveniently used as a ballot may,

- (a) on returning it to the deputy, and
- (b) on establishing the fact of the inadvertence to the satisfaction of the deputy,

receive another ballot in the place of the ballot so returned.

(2) The deputy shall immediately write the word "spoiled" on the returned ballot and shall preserve it.

1983 cL-27.5 s65

Elector declining to vote

66 If an elector returns a ballot and states that the elector is declining to vote, the elector is not entitled to another ballot for that office, and the deputy who is supervising at the ballot box shall deposit the declined ballot in the ballot box.

1983 cL-27.5 s66;1989 c17 s17;1991 c23 s2(30)

Persons at voting station

67(1) Except for the returning officer, deputy, constable, candidates, official agents or scrutineers authorized to attend at the voting station and the electors who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the voting station during the time appointed for voting.

(2) Notwithstanding subsection (1), the presiding deputy at the voting station may authorize a person temporarily to observe the voting procedures from a location within the voting station designated by the presiding deputy.

(3) The presiding deputy shall not designate a location under subsection (2) that would allow the observer to see how electors mark their ballots.

(4) A person permitted to be present in the voting station pursuant to subsection (2) shall leave the voting station on the request of the presiding deputy.

RSA 2000 cL-21 s67;2006 c22 s31

Prohibited removal of ballots

68(1) No person who has received a ballot from the deputy shall take the ballot out of the voting station.

(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, forfeits the person's right to vote at that election and the deputy shall record in the elector register an entry to the effect that the person left the voting station without first delivering the ballot.

RSA 2000 cL-21 s68;2018 c23 s25

Option for official agent

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

(3) No candidate shall act as an official agent for any other candidate.

(4) The duties of an official agent are those assigned to the official agent by the candidate.

2006 c22 s32;2012 c5 s112

Candidate's scrutineer

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,

- (a) signed by a candidate, and
- (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station,

the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the

Canada Elections Act (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed form.

(3) The presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present in a voting station during voting hours.

(3.1) The presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

(4) A candidate or official agent personally may

- (a) undertake the duties that the candidate's scrutineer may undertake, and
- (b) attend any place that the candidate's scrutineer is authorized by this Act to attend.

(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2) or 78.

(6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers

- (a) that are authorized to attend, and
- (b) that have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

RSA 2000 cL-21 s69;2006 c22 s33;
2012 c5 s113;2018 c23 s26

Bylaw scrutineers

70(1) At any time fixed for a vote on a bylaw or question under this Act, the returning officer, if requested in writing by 2 or more electors, shall appoint, in writing, those persons named in the request as scrutineers to attend at the voting stations on behalf of the persons interested in promoting the passing of the bylaw or voting in the affirmative on the question and, if so requested by 2 or more electors, shall appoint, in writing, those persons named in the request to attend as scrutineers on behalf of the persons interested in opposing the passage of the bylaw or voting in the negative on the question.

(2) A person named in a request under subsection (1) shall not be appointed unless the person is at least 18 years old.

(2.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed under subsection (1).

(3) The presiding deputy shall not permit more than one scrutineer for each side of a bylaw or question to be present at the same time at a voting station or at a counting of the votes.

(4) The presiding deputy may designate the place or places at a voting station where a scrutineer may observe the conduct of the election.

(5) Before any scrutineer is appointed, the scrutineer shall make and subscribe before the presiding deputy a statement in the prescribed form.

RSA 2000 cL-21 s70;2003 c27 s22;2006 c22 s34

Proof of appointment

71 If a person is appointed as a scrutineer under section 70, the person shall

- (a) before being admitted as a scrutineer to the voting station during voting hours, or
- (b) before being permitted to attend at the voting station for the counting of votes,

produce to the person in charge of the voting station the person's appointment as a scrutineer and take and subscribe to the statement under section 16 in the prescribed form.

RSA 2000 cL-21 s71;2003 c27 s23;2006 c22 s35

Interpreter

72(1) If an elector is unable to read or does not understand the English language, the deputy may allow an interpreter to read or to translate the statement as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.

(2) Before acting as an interpreter, the interpreter shall make a statement in the prescribed form.

RSA 2000 cL-21 s72;2003 c27 s24

Advance vote

73(1) In this section, "population" means population as defined and determined in accordance with the regulations under section 604 of the *Municipal Government Act*.

(2) Subject to subsection (3), an elected authority may by resolution provide for holding an advance vote for an election.

(3) Subject to subsections (4) and (7), a local jurisdiction having a population greater than 5000 must provide for holding an advance vote on

- (a) the election of municipal councillors, including by-elections, and
- (b) the submission of a bylaw or question to electors under section 7.

(4) If the election is being held in only one ward but that ward is within a local jurisdiction with a population greater than 5000, the requirements of subsection (3) apply.

(5) No advance vote shall be held within 24 hours of election day.

(6) The returning officer must determine the days and hours when the advance vote under subsection (2) or (3) is to be held.

(7) The Minister may, at any time, make an order to exempt an elected authority from the requirement to provide for holding an advance vote under subsection (3).

RSA 2000 cL-21 s73;2018 c23 s27

Notice of advance vote

74(1) Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35 by publishing a notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or by mailing or delivering

a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote.

(1.1) A notice of advance vote referred to in subsection (1) may be given by including it in the notice of election day provided under section 35(2) in respect of the same election, provided that the requirements of both subsection (1) and section 35(2) are met.

(1.2) If an election does not apply to an entire local jurisdiction, a notice of advance vote published, mailed or delivered in accordance with subsection (1.1) is only required to be published, mailed or delivered in a ward or voting subdivision within that local jurisdiction where an election is required.

(2) On complying with this section, the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s74;2018 c23 s28

Advance vote stations

75(1) When an advance vote is authorized, the returning officer shall establish the number of advance voting stations the returning officer considers necessary.

(1.1) If there are wards in a local jurisdiction, the returning officer is not required to establish an advance voting station in each ward but must establish at least one advance voting station.

(2) If there are wards in a local jurisdiction, the presiding deputy shall maintain separate ballot boxes for each elected authority.

(3) A vote held at an advance voting station must be conducted in the same manner as a vote on election day except that

- (a) a fresh ballot box must be used on each day of the advance vote, and
- (b) on the completion of each day of the advance vote, the ballot box used that day must be sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the voting stations on election day.

RSA 2000 cL-21 s75;2003 c27 s25;2018 c23 s29

76 Repealed 2006 c22 s36.

77 Repealed 2018 c23 s30.

Vote by special ballot

77.1(1) An elector who is unable to vote at an advance vote or at the voting station on election day because of

- (a) physical disability,
- (b) absence from the local jurisdiction, or
- (c) being a returning officer, deputy returning officer, substitute returning officer, constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence

may apply to vote by special ballot.

(2) An elected authority may, by resolution passed prior to nomination day, provide for special ballots and provide that the application for special ballots may be made by any one or more of the following methods:

- (a) in writing;
- (b) by telephone;
- (c) by fax;
- (d) in person;
- (e) by e-mail;
- (f) by secure website.

(2.1) If an elected authority has made a resolution described in subsection (2), an elector may apply to the returning officer of the elector's local jurisdiction for a special ballot, by a method provided for in the resolution, and during the period of time specified in the resolution.

(2.2) Repealed 2012 c5 s114.

(2.3) Repealed 2018 c23 s31.

(2.4) An application for a special ballot must include the following:

- (a) first and last name of the elector;

- (b) municipal address of the residence of the elector;
- (c) school elector status, if the elector is voting for a school board trustee;
- (d) mailing address to which the special ballot is to be sent;
- (e) contact telephone number;
- (f) contact e-mail address, if the elector is unavailable by telephone;
- (g) reason why a special ballot is requested.

(3) On receipt of an application under this section, if the elected authority by resolution before nomination day provides for special ballots, the returning officer or deputy must

- (a) enter in the special ballot elector register
 - (i) the elector's name and the elector's place of residence, and
 - (ii) the name and number of the voting subdivision for the elector's place of residence,and
- (b) cause the appropriate forms to be provided to the applicant.

(4) The returning officer must, on request, make available to any candidate or a candidate's official agent or scrutineer in the voting station the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate forms under this section.

2003 c27 s27;2006 c22 s37;2012 c5 s114;2018 c23 s31

Voting by special ballot

77.2(1) On receipt of the appropriate forms pursuant to section 77.1(3), the elector must vote by either writing or printing, in a legible manner, the names of the candidates of the elector's choice, or by any other method provided for by the elected authority but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with section 44 and be supplied as part of the appropriate forms.

(2) After marking the appropriate forms, the elector must

- (a) place them in the ballot envelope,

- (b) seal the ballot envelope,
- (c) place the ballot envelope in the certificate envelope,
- (d) complete and sign Part 1 of the certificate and seal the certificate envelope,
- (d.1) attach a copy of the elector's identification that meets the requirements of section 53(1)(b),
- (i) - (ii) repealed 2018 c23 s32,
- (e) place the certificate envelope in the outer envelope, and
- (f) seal the outer envelope.

(2.1) A copy of the elector's identification, as described in subsection (2)(d.1), may be used only to verify the elector's name, current address and, if applicable, age, for the purpose of determining whether the elector is eligible to vote.

(3) The outer envelope, when sealed, must be forwarded so that it reaches the returning officer not later than the close of the voting station on election day or by the time and date set out in a resolution under subsection (3.1).

(3.1) An elected authority may, by resolution, set a time and date earlier than the closing of the voting station on election day for when an outer envelope must be received by a returning officer.

(4) On receipt of the outer envelope, the returning officer must open the outer envelope, remove from it the certificate envelope and determine

- (a) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register under this section,
 - (b) whether Part 1 of the certificate is properly completed, and
 - (c) whether the elector has attached a copy of the elector's identification that meets the requirements of section 53(1)(b)
- (i) - (ii) repealed 2018 c23 s32.

(5) On determining that the elector is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and that the copy of the elector's identification meets the requirements of section 53(1)(b),

(a.01), (a.02) repealed 2018 c23 s32,

the returning officer must

- (a) sign Part 2 of the certificate,
- (b) if the elector's name appears on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter opposite the name of that person on the list of electors the word "special",
- (c) if the elector's name does not appear on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter the elector's name on the list of electors and, opposite the name, the word "special",
- (d) record in the special ballot elector register in the appropriate column the date and time the returning officer received the certificate envelope,
- (e) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot", and
- (f) enter in the special ballot elector register, in the appropriate column, the word "voted" and the reason for using the special ballot, that is, physical disability, absence, election officer, candidate, official agent or scrutineer.

(5.1) If the returning officer is not satisfied

- (a) that Part 1 of the certificate is properly completed,
- (b) that the copy of the elector's identification meets the requirements of section 53(1)(b),
- (i) - (ii) repealed 2018 c23 s32,
- (c) that the elector has not already been entered on the special ballot elector register, or
- (d) that the elector has not already returned a special ballot,

the returning officer must retain the certificate envelope unopened, attach the copy of the elector's identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.

(5.2) - (5.6) Repealed 2018 c23 s32.

(6) At the close of the voting station on election day, the returning officer must deliver the special ballot box to the deputy of the voting station of the electors who have voted under this section in the local jurisdiction and advise the deputy of the names of the electors who have so voted, and the deputy must proceed in accordance with section 85 as if the ballot box were from an advance poll.

(7) After completing the count of the ballots, the deputy must record the results on the prescribed form.

(8) Subject to this section and section 77.1, the voting procedures for a special ballot must as nearly as possible follow the provisions of this Act except that the returning officer may use one special ballot box for the local jurisdiction, ward or subdivision.

(9) If the appropriate forms for voting by special ballot have been provided under section 77.1 to an elector but the special ballot is not returned to a returning officer under this section before the close of voting on election day or before the time and date set out in a resolution under subsection (3.1), the returning officer must record the special ballots on the ballot account referred to in section 88(1) as not returned.

2003 c27 s27;2006 c22 s38;2012 c5 s115;2018 c23 s32

Late receipt of special ballot

77.3 If an outer envelope is received by a returning officer after the close of the voting station on election day or by the time and date set out in a resolution under section 77.2(3.1), the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the returning officer, who must record on it the reason for its rejection.

2003 c27 s27;2006 c22 s39

Elector assistance

78(1) The deputy, at the request of an elector who is unable to vote in the usual manner, shall mark the vote of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(2) The deputy shall not act under subsection (1) until the elector has made the prescribed statement.

(3) The deputy, if requested by an elector described in subsection (1) who is accompanied by a friend or relative who is at least 18 years of age, shall permit that friend or relative, on making the prescribed statement, to accompany the elector into a voting compartment for the purpose of marking the elector's ballot and the

ballot when marked shall be delivered by the elector or the friend or relative to the deputy to be deposited in the ballot box.

(4) The deputy shall not permit an elector to vote under subsection (3) until the elector and the elector's friend or relative have made the prescribed statements.

(4.1) If an elector requests a blind elector template by June 30 in a year in which a general election is to be held, a municipality must pass a bylaw setting out the blind elector template.

(4.2) A municipality may pass a bylaw setting out the blind elector template even if no request is made under subsection (4.1).

(4.3) The bylaw referred to in subsections (4.1) and (4.2) must specify when the blind elector template is available and how the municipality will notify electors of the availability of the blind elector template.

(5) If an elector who is blind is not accompanied by a friend or relative into a voting compartment under subsection (3) and the municipality has passed a bylaw setting out the blind elector template in accordance with subsection (4.1), the deputy must

- (a) provide the elector with a blind elector template, and
- (b) instruct the elector in its use.

(5.1) If an elector is physically unable to enter a voting compartment, the deputy may set up a voting compartment for the elector elsewhere in the voting station or at the closest point of access to the voting station that the elector is able to attend.

(6) No candidate, official agent or scrutineer shall be present in the voting compartment at the marking of a ballot under this section.

(7) When a ballot has been marked pursuant to this section, the deputy shall enter in the elector register opposite the name of the elector and in the appropriate column either "elector assistance" or "template".

RSA 2000 cL-21 s78;2003 c27 s28;2006 c22 s40;2018 c23 s33

Elector assistance at home

79(1) An elected authority may by resolution provide for the attendance of 2 deputies at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote.

(2) When a resolution has been passed under subsection (1), an elector described in subsection (1) may request the returning officer to have 2 deputies attend at the elector's residence to take the elector's vote within the time fixed by the resolution.

(3) If the returning officer is satisfied that an elector is unable to attend a voting station or an advance voting station because of physical disability, the returning officer shall include that elector's name and address on a list.

(3.1) Notwithstanding subsection (3), a returning officer may include the name and address of an elector who is not unable to attend a voting station or an advance voting station because of physical disability on a list if the elector resides in a facility at which an elector whose name and address has been included on a list in accordance with subsection (3) resides.

(4) When the returning officer has completed the list in accordance with this section, the returning officer shall

- (a) advise each applicant that the applicant's application has been accepted or rejected, as the case may be, and in the event of rejection, give reasons for it,
- (b) inform each elector whose application has been accepted of the date and the approximate time at which 2 deputies will attend at the elector's residence, and
- (c) appoint sufficient deputies to give full effect to this section.

(5) All attendances by deputies under this section shall be made during the hours fixed by the resolution and no vote shall be taken at any other time.

(6) A ballot box used in an election under this section must be sealed on completion of the voting so that no ballots can be deposited in it without breaking the seal and it shall remain sealed until opened to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes or until opened for the counting of ballots at the close of the voting stations on election day.

(7) Every residence where a vote is taken under this section is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act.

RSA 2000 cL-21 s79;2003 c27 s29;2018 c23 s34

Institutional vote location, eligibility and appointments

80(1) The elected authority by resolution or the returning officer, if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37.

(2) An elector who on election day

- (a) is confined to a treatment centre in the local jurisdiction, or
- (b) is a resident in a supportive living facility in the local jurisdiction,

that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

(2.1) Notwithstanding subsection (2), an elected authority may designate a self-contained housing unit in a lodge accommodation as an institution for the purposes of holding an institutional vote under this section.

(3) The returning officer may appoint at least 2 deputies to take the votes of the electors referred to in subsection (2).

(4) If an elected authority provides for the holding of an advance vote, the returning officer may appoint the number of deputies that the returning officer considers necessary to take the votes on the day the advance vote is held of any electors who are residents of supportive living facilities or confined to treatment centres that are located in the local jurisdiction.

RSA 2000 cL-21 s80;2003 c27 s30;2018 c23 s35

Attendance at an institutional vote

81(1) If an institutional vote is provided for, the returning officer shall fix the times on election day at which the votes in the institutions shall be taken, and the presiding deputies, accompanied by candidates, official agents and scrutineers, if present, and by an official of the institution, if available, shall take the votes of any of those patients and residents who express a desire to vote.

(2) Despite subsection (1), candidates and a candidate's official agent and scrutineer may attend an institutional vote only if the vote is conducted at a fixed location in a public area of the institution and may not attend voting conducted in the room of a resident of the institution.

(3) Despite subsection (1), the presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present at an institutional vote.

(4) Despite subsection (1), a candidate may not have both an official agent and a scrutineer attend an institutional vote at the same time.

RSA 2000 cL-21 s81;2003 c27 s31;2006 c22 s41

Institutional vote procedure

82(1) Every institution at which a vote is taken is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act, except that

- (a) repealed 2003 c27 s32,
- (b) the ballot boxes shall not be opened until the close of the voting stations on election day.

(2) The deputy shall post a copy of the notice prescribed under section 35 in at least one conspicuous place in the institution, not fewer than 2 days before the day on which the vote is to be taken.

RSA 2000 cL-21 s82;2003 c27 s32

Deputy's and constable's votes

83(1) Subject to subsection (3), the returning officer, on the request of an elector who has been appointed deputy or constable to attend at a voting station during the whole of election day other than where that elector is entitled to vote, shall provide the elector with a certificate stating that the elector is eligible to vote at the voting station where the elector is to be stationed during election day.

(2) On the production of the certificate, the deputy or constable may vote at the voting station where the deputy or constable is stationed, instead of the voting station where the deputy or constable would otherwise have been eligible to vote, and a deputy shall attach the certificate to the elector register.

(3), (4) Repealed 2018 c23 s36.

(5) Section 58 does not apply to an officer.

RSA 2000 cL-21 s83;2003 c27 s33;2018 c23 s36

Alternative voting equipment

84(1) An elected authority may by bylaw provide for the taking of the votes of electors by means of voting machines, vote recorders or automated voting systems.

(2) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe

- (a) the form of the ballot,

- (b) directions for the marking of a ballot by an elector, and
- (c) directions for the voting procedures to be used including the procedures to be followed
 - (i) in the taking of the votes by any of the means provided for in subsection (1),
 - (ii) in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void,
 - (iii) in the counting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1), and
 - (iv) if a returning officer makes a recount pursuant to section 98, in the recounting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1).

(2.1) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may prescribe

- (a) directions for the use of ballot boxes,
- (b) directions for the use of tabulators,
- (c) the time allowed for counting special ballots, advance votes and institutional votes, and
- (d) directions for the use of technology for electors who are unable to vote in the usual manner.

(2.2) The bylaw referred to in subsection (1) must follow the provisions of this Act as nearly as possible.

(2.3) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may provide that a single ballot card may be used for all the offices referred to in section 42(1).

(2.4) If the bylaw referred to in subsection (1) prescribes directions for the use of tabulators, the bylaw must require that the equipment must not be part of or connected to an electronic network, except that the equipment may be securely connected to a network after the close of polls for the purpose of transmitting information to the local jurisdiction.

(2.5) If the bylaw referred to in subsection (1) authorizes the use of an electronic ballot marking device, section 78(5) does not apply.

(2.6) In this section, “electronic ballot-marking device” means an electronic device that has an audio instruction and vote confirmation component and Braille-embossed voting buttons.

(3) Sections 75, 85 and 103 to 115 do not apply when the votes of the electors are taken by any of the means provided for in subsection (1).

RSA 2000 cL-21 s84;2006 c22 s42;2018 c23 s37

Part 3

Post-vote Procedure

Counting of votes

85(1) Immediately after the close of the voting station, the presiding deputy shall in the presence of

- (a) at least one and any additional officers that the deputy considers necessary, and
- (b) the candidates, official agents or scrutineers, if any,

ensure that each ballot box is opened and that the votes are counted.

(2) A deputy shall not permit more than the candidate or the candidate’s official agent or scrutineer, or more than one official agent or scrutineer of either side of a vote on any bylaw or question to be present at the same time in a voting station during the counting of the votes.

RSA 2000 cL-21 s85;2006 c22 s43

Counting centres

85.1(1) A returning officer may designate a single location as a counting centre for the purpose of this section.

(2) The returning officer must notify all affected candidates, official agents and scrutineers of the location of the counting centre.

(3) If a ward or division system exists in a local jurisdiction, the special ballot box, advance vote ballot box and institutional vote ballot box shall be counted at the counting centre if one is designated by the returning officer for that local jurisdiction.

(4) An elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to count the special ballot box, advance vote ballot box and institutional vote ballot box no earlier than 7:30 p.m. on election day.

(5) The deputy of a counting centre shall in the presence of

- (a) at least one and any additional officers that the deputy considers necessary, and
- (b) the candidates, official agents or scrutineers, if any,

ensure that each special ballot box, advance vote ballot box and institutional ballot box is opened and that the votes are counted in accordance with the bylaw made under section 84(1).

(6) There shall be present at the counting centre during the counting of the votes, for each candidate, not more than one of the following for each ballot box:

- (a) the candidate;
- (b) the candidate's official agent;
- (c) the candidate's scrutineer.

(7) The results of a count conducted in accordance with this section shall not be publicly disclosed until after 8:00 p.m. on election day.

2018 c23 s38

Void ballots

86(1) A deputy shall examine the ballots and reject any ballot

- (a) that does not bear the initials of the officer,
- (b) on which more votes are cast than an elector is entitled to cast,
- (c) on which anything is written or marked by which an elector can be identified,
- (d) that has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified,
- (e) that is not marked by an "X", or
- (f) on which no vote has been cast by an elector,

and the rejected ballots shall not be counted.

(2) On the back of a ballot a deputy shall

- (a) endorse "rejected" if the deputy rejects it as void, and

- (b) endorse “rejection objected to” if any objection is made to the deputy’s decision,

and shall initial each endorsement.

- (3) Notwithstanding subsection (1)(e), if a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the elector intended to vote, the deputy may count that ballot.

RSA 2000 cL-21 s86;2006 c22 s44

Note of objection

87(1) A deputy shall in the prescribed form make note of any objection made by a candidate or the candidate’s official agent or scrutineer or in the case of a bylaw or question by any person authorized to attend, to any ballot found in the ballot box and shall decide any question arising out of the objection.

- (2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialled by a deputy.

RSA 2000 cL-21 s87;2006 c22 s45

Ballot account

88(1) A deputy shall count the ballots marked for each candidate on the ballots not rejected and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision and voting station;
- (c) the date of the election;
- (d) the name of each candidate and the number of valid ballots marked for each;
- (e) the number of ballots supplied;
- (f) the number of valid ballots;
- (g) the number of valid ballots objected to;
- (h) the number of rejected ballots;
- (i) the number of ballots rejected because no vote was cast by an elector;
- (i.1) the number of special ballots not returned;

- (j) the number of unused ballots;
- (k) the number of spoiled ballots;
- (l) the number of ballots not accounted for;
- (m) the number of persons objected to under section 54.

(2) In the case of a vote on a bylaw or question, a deputy shall count the number of ballots marked for and against the bylaw, or in the affirmative and negative on the question, and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision and voting station;
- (c) the date of the election;
- (d) the number of ballots supplied;
- (e) the question or a description of the bylaw and the number of valid ballots marked for the bylaw or in the affirmative on the question;
- (f) the question or a description of the bylaw and the number of valid ballots marked against the bylaw or in the negative on the question;
- (g) the number of valid ballots objected to;
- (h) the number of rejected ballots;
- (i) the number of ballots rejected because no vote was cast by an elector;
- (j) the number of unused ballots;
- (k) the number of spoiled ballots;
- (l) the number of ballots not accounted for.

RSA 2000 cL-21 s88;2006 c22 s46

Signatures to ballot account

89(1) The ballot account shall be signed by at least 2 deputies involved in the count and may be signed by those of the candidates or their official agents or scrutineers present who desire to sign it.

(2) A deputy, on being requested to do so, shall as soon as practicable provide a copy of the ballot account to persons authorized to sign the ballot account.

RSA 2000 cL-21 s89;2006 c22 s47

Certificate in elector register

90 Every presiding deputy at the close of the voting station shall certify in words, in the prescribed form, the number of persons who registered to vote at the voting station at which the deputy was designated to preside.

RSA 2000 cL-21 s90;2006 c22 s48;2018 c23 s39

Packets of ballots

91(1) At the completion of the counting of the ballots, the presiding deputy shall make up into separate packets

- (a) the valid ballots;
- (b) the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;
- (c) the rejected ballots, including those on which no vote has been cast by an elector;
- (d) the spoiled ballots;
- (e) the unused ballots;
- (f) the elector register together with the prescribed form referred to in section 90;
- (g) the list of electors, if any.

(2) Repealed 2003 c27 s34.

RSA 2000 cL-21 s91;2003 c27 s34;2018 c23 s40

Sealing ballot packets

92 Each packet of ballots shall be sealed and each packet must be marked on the outside with

- (a) a short statement of the contents of the packet,
- (b) the date of the election,
- (c) the name of the deputy, and
- (d) the voting subdivision name or number.

1983 cL-27.5 s92;1991 c23 s2(51);1997 c15 s27

Securing election documents

93 The presiding deputy shall then place all the packets containing ballots, the elector register, the special ballot certificate envelopes and copies of special electors' identification, if any, all statements made on voting day and the list of electors, if any, in the ballot box and the ballot box shall be closed and sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number.

RSA 2000 cL-21 s93;2003 c27 s35;2006 c22 s49;
2012 c5 s116;2018 c23 s41

Elector registers with objection

93.1(1) Notwithstanding section 92, at the completion of the counting of the ballots, the presiding deputy shall

- (a) make a packet of the elector registers on which an objection has been noted in accordance with section 54, if any, separate from the packet made under section 91(1)(f) that contains the rest of the elector register,
- (b) seal the packet and mark it on the outside with the information referred to in section 92, and
- (c) deliver the sealed packet to the returning officer with the sealed ballot box and the ballot account under section 94.

(2) Commencing the day after election day, if a person makes a request to view the copy of the elector register on which objections have been noted in accordance with section 54, the returning officer shall

- (a) open the packet containing the elector registers on which objections have been noted and make a copy of the elector registers, and
- (b) once a copy has been made, seal the packet with the returning officer's seal.

(3) The copy of the elector registers made under subsection (2)(a) shall be shown to the person who made the request and to any subsequent person who requests to view the copy.

(4) The secretary shall retain and dispose of the packet containing the copies of the elector register made under subsection (2)(a), if any, in accordance with section 101.

2018 c23 s42

Delivery of ballot box and ballot account

94(1) The presiding deputy personally shall as soon as practicable deliver to the returning officer the sealed ballot box, the ballot

account and the copies made under section 90 of the elector registers on which objections have been noted.

(2) Notwithstanding subsection (1), if the presiding deputy is unable to deliver the items personally to the returning officer, the presiding deputy shall deliver them to a person chosen by the presiding deputy for the purpose, and shall obtain a receipt for them.

(3) The person chosen under subsection (2) shall personally deliver the items to the returning officer as soon as practicable and obtain a receipt for them.

RSA 2000 cL-21 s94;2006 c22 s50;2018 c23 s43

Election results

95(1) At any general election or by-election the candidate or candidates receiving the highest number of votes shall be declared to be elected and in the event of an equality of votes, section 99 applies.

(2) Unless another enactment provides otherwise,

- (a) if more than 50% of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or the question is assented to by the electors, and
- (b) if 50% or less of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or question is defeated.

RSA 2000 cL-21 s95;2018 c23 s44

Declaration of vote result

96(1) In the case of a vote on a bylaw or question, when there is only one voting station, the returning officer shall declare the result of the vote immediately after the returning officer completes the counting of the ballots.

(2) In the case of a vote on a bylaw or question, if there is more than one voting station, the returning officer, after the returning officer has received the ballot boxes from all the voting stations and without opening any of the sealed packets of ballots, shall calculate the number of ballots marked for and against the bylaw or question from the ballot account of the number of ballots given and shall declare the result in accordance with section 97(2).

(3) The returning officer shall, on declaring the result, certify the percentage of persons who have voted in the affirmative and exclude from the total number of ballots all ballots that have not been counted.

(4) On complying with subsections (1) to (3), the returning officer shall forward a signed statement showing the number of votes for and against a bylaw or question to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s96;1991 c23 s2(54)

Declaration of election result

97(1) The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.

(2) The returning officer shall, at 12 noon on the 4th day after election day, at the office of each local jurisdiction for which an election was held,

(a) announce or cause to be announced, or

(b) post or cause to be posted

a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

(3) The returning officer shall, if the result was announced, post in some conspicuous place a statement signed by the returning officer showing the number of votes for each candidate.

(4) On complying with subsection (2), the returning officer shall forward a signed statement showing the number of votes for each candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s97;1985 c38 s30;1991 c23 s2(55)

Recount

98(1) The returning officer may make a recount of the votes cast at one or more voting stations if

(a) a candidate or an official agent or a scrutineer of a candidate recognized pursuant to section 69 or, in the case of a vote on a bylaw or question, a scrutineer appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate,

(b) the returning officer considers that the number of

(i) valid ballots objected to, or

(ii) rejected ballots other than those on which no vote has been cast by an elector,

was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be, or

- (c) the returning officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes.

(2) If the returning officer makes a recount, the returning officer shall

- (a) 12 hours before the recount, notify
 - (i) any candidates who may be affected by the recount or, in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and
 - (ii) those officers that the returning officer considers necessary to assist in the recount,
- (b) break the seal of the ballot box, and
- (c) proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.

(3) After the recount, the returning officer shall

- (a) correct the ballot account if necessary,
- (b) place in the ballot box all the documents contained in it at the time the returning officer broke the seal, and
- (c) close the ballot box and seal it with the returning officer's seal.

(4) An application under this section may be made during the 44 hours immediately following the closing of the voting stations but may not be made afterwards.

(5) The returning officer shall complete the recount

- (a) in the case of an election other than a vote on a bylaw or question, prior to the time set for the declaration of the results under section 97(2), or
- (b) in the case of a vote on a bylaw or question, within 96 hours of the close of the voting stations on election day.

(6) A declared vote under section 99 at the original count of ballots shall be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.

(7) If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.

(8) If votes have been taken and counted under section 84, a reference in this section to a voting station is deemed to include the place where the votes were counted.

(9) If a returning officer determines that a recount will be made in a local jurisdiction that is divided into wards or divisions, the returning officer may determine the number of voting stations for which a recount is required in accordance with subsection (1).

RSA 2000 cL-21 s98;2006 c22 s51;2012 c5 s117;2018 c23 s45

Equal number of votes

99 If it appears on the calculation of the votes that 2 or more candidates for any office have received the same number of votes, and if it is necessary for determining which candidate is elected, the returning officer shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct some person to withdraw one of the sheets, and the returning officer shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.

1983 cL-27.5 s99

Delivery of election material

100(1) As soon as practicable after the election, the returning officer shall deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers, and the secretary is subsequently responsible for their delivery when required.

(1.1) The secretary must retain the ballot account and the nomination papers until the term of office to which they relate has expired.

(2) The nomination papers and ballot account may be inspected by an elector during regular business hours in the presence of the secretary.

RSA 2000 cL-21 s100;2003 c27 s36

Disposition of election material

101 The secretary, unless otherwise ordered by a judge, shall retain copies of elector registers, if any, made under section 90 and the ballot boxes with their seals unbroken for 6 weeks from the date of voting and then shall cause the ballot boxes to be opened and their contents destroyed, and cause copies of elector registers, if any, to be destroyed, in the presence of 2 witnesses and each of the 2 witnesses shall take an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

RSA 2000 cL-21 s101;2006 c22 s52;2018 c23 s46

Order for inspection of ballots

102(1) No person may inspect the contents of a ballot box in the custody of the secretary except on order of a judge.

(2) An order referred to in subsection (1) may be granted on evidence on oath, satisfactory to the judge, that the inspection or production of the contents of a ballot box is required for the purpose of

- (a) maintaining a prosecution for an offence in relation to the election,
- (b) taking proceedings under this Act to contest an election return, or
- (c) preparing an application for a recount.

(3) The order shall

- (a) state the time and place for inspection of the papers,
- (b) name the persons to be present at the inspection, and
- (c) name the other persons entitled to be present at the inspection,

and may prescribe any conditions the judge considers advisable.

1983 cL-27.5 s102;1985 c38 s32

Part 4

Recount Procedure

Judicial recount application

103(1) At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court for a recount, after the elector has

- (a) filed an affidavit with the clerk of the Court alleging reasonable grounds for believing that the returning officer or

a deputy or other officer presiding at the voting station, in counting the ballots given at the election, improperly counted or rejected ballots, and

- (b) deposited with the clerk of the Court \$300 in cash, or by certified cheque or by money order, as security for the payment of costs and expenses.

(2) The deposit of \$300 shall not be paid out by the clerk without the order of a judge.

RSA 2000 cL-21 s103;2003 c27 s37;2009 c53 s104

Notice of application

104 At least 3 days prior to the application for a recount, a copy of the application and the affidavit filed shall be served by the applicant on the secretary, the returning officer and all candidates for the affected office.

RSA 2000 cL-21 s104;2009 c53 s104

Time and place for recount

105 On the hearing of the application for a recount, a judge may appoint a time and place to recount the ballots and cause a notice in writing to be given to the secretary, to all candidates for the affected office and to any other person the judge may direct, of the time and place where the ballots will be recounted.

1983 cL-27.5 s105

Persons permitted at recount

106(1) The judge, the clerk of the Court, the secretary, the returning officer, each candidate notified to attend the recount, each notified candidate's official agent, scrutineer and solicitor and persons permitted by the judge may be present at the recount.

(2) The secretary shall be present at the recount with the sealed ballot boxes and the ballot account used at the election.

RSA 2000 cL-21 s106;2006 c22 s53

Process for recount

107(1) At the time and place appointed, the judge shall, in the presence of the parties in attendance, proceed to open all the seals of the packets containing the ballots and count or cause to be counted all the ballots received by the secretary from the returning officer as having been cast in the election complained of.

(2) In counting the ballots, care shall be taken not to disclose how any elector has voted.

1983 cL-27.5 s107

Examination of ballots

108(1) The judge shall examine the ballots that are objected to and recount the ballots.

(2) Any ballot

- (a) that lacks the initials of an officer,
- (b) on which votes are cast for more candidates than are to be elected to the office,
- (c) on which anything is written or marked by which the elector could be identified, or
- (d) that has been torn, defaced or otherwise dealt with, with the result that an elector could be identified,

is void and shall not be counted.

(3) The judge shall take a note of any objection made by a candidate or by the candidate's official agent or scrutineer to a ballot, and shall decide any question arising out of the objection, and the decision of the judge is final.

RSA 2000 cL-21 s108;2006 c22 s54

Recess during recount

109(1) The judge shall, as far as practicable, proceed continuously with the recount except during any hours excluded by the judge.

(2) During the excluded time, the judge shall take precautions for the security of the ballots and documents.

1983 cL-27.5 s109

Statement after recount

110(1) The judge shall, after counting the votes marked for each candidate on the ballots not rejected, prepare a written statement that includes the number of ballots marked for each candidate and the number of ballots rejected and not counted by the judge.

(2) The statement shall be made under the following headings:

- (a) names of candidates;
- (b) number of ballots for each candidate;
- (c) ballots that lack initials of deputy;
- (d) ballots on which votes are cast for more candidates than are to be elected to the office;

- (e) ballots on which anything is written or marked by which an elector could be identified;
- (f) ballots that have been torn, defaced or otherwise dealt with, with the result that an elector could be identified;
- (g) ballots rejected as unmarked or void.

(3) If the ballot box for a voting station has been lost or destroyed, the judge shall use the ballot account and allow the candidates named in it the number of votes shown by it as given for those candidates.

1983 cL-27.5 s110

Equal number of recount votes

111(1) If the judge has counted an equality of ballots for 2 or more candidates for the same office, and if it is necessary for determining which candidate is elected, the judge shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct the clerk of the Court or some other person to withdraw one of the sheets, and the judge shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate or candidates.

(2) Subsection (1) does not apply if the candidates having received an equality of ballots also had an equality of ballots at the time of the calculating of ballots by the returning officer, in which case the judge shall declare the candidate who previously has been declared to have received one more ballot still to have one more ballot than the other candidate.

1983 cL-27.5 s111

Certification of recount

112 On the completion of the recount or as soon as the judge has ascertained the result of the voting, the judge shall replace the ballots in the respective ballot boxes and return the boxes to the secretary and shall forthwith certify the result to the secretary, who shall forthwith post a statement in the secretary's office declaring the result.

1983 cL-27.5 s112

Costs of recount

113(1) All costs, charges and expenses of and incidental to an application for a recount, and to the proceedings consequent on it, shall be defrayed by the local jurisdiction, applicant, persons served with a notice, or any of them, in the manner and in the proportion

that the judge determines, having regard to any costs, charges or expenses that, in the opinion of the judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or any person served with a notice.

(2) The costs may, if the judge so orders, be assessed and reviewed in the same manner and according to the same principles as costs are assessed and reviewed under the *Alberta Rules of Court*.

RSA 2000 cL-21 s113;2009 c53 s104

Payment of costs

114 The payment of any costs ordered by the judge may, on the filing of the order of the judge and a certificate showing the amount at which the costs were assessed and an affidavit of non-payment, be enforced by writ proceedings taken pursuant to a writ of enforcement issued in respect of that order.

RSA 2000 cL-21 s114;2009 c53 s104

Bylaw vote recount

115 Sections 103 to 110 and 112 to 114 apply, with necessary modifications, to a recount of the votes for and against a bylaw or question.

RSA 2000 cL-21 s115;2018 c23 s47

Part 5 Controverted Elections

Bribery

116 A person commits the offence of bribery

- (a) who directly or indirectly by himself or herself or by any other person on his or her behalf,
 - (i) gives, lends or agrees to give or lend or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure or offers or promises an office, place or employment to or for an elector or to or for a person on behalf of an elector or any person, in order to induce an elector or a person to vote or to refrain from voting at an election, or
 - (ii) corruptly does an act described in subclause (i) because a person has voted or has refrained from voting at an election,
- (b) who directly or indirectly by himself or herself or by any other person on his or her behalf, makes a gift, loan, offer, promise or agreement described in clause (a) to or for a

person in order to induce that person to procure or defeat or endeavour to procure or defeat

- (i) the election of a candidate,
 - (ii) the passing of a bylaw,
 - (iii) the result of a vote on a question, or
 - (iv) the vote of an elector at an election,
- (c) who in return for a gift, loan, offer, promise or agreement procures or defeats or engages or promises or endeavours to procure or defeat
- (i) the election of a candidate,
 - (ii) the passing of a bylaw,
 - (iii) the result of a vote on a question, or
 - (iv) the vote of an elector at an election,
- (d) who
- (i) advances or pays or causes to be paid money to or for the use of any other person with the intent that the money or part of it be expended in bribery at an election, or
 - (ii) knowingly pays or causes to be paid any money to a person in discharge or repayment of any money wholly or in part expended in bribery at an election,
- (e) who, being an elector, before or during an election directly or indirectly by himself or herself or by any other person on his or her behalf receives, agrees to, accepts or contracts for any money, gift, loan or valuable consideration, office, place or employment for the elector or any other person for
- (i) voting or agreeing to vote,
 - (ii) refraining or agreeing to refrain from voting, or
 - (iii) voting or agreeing to vote for or against a particular candidate, bylaw or question,
- at an election, or

- (f) who after an election directly or indirectly by himself or herself or by any other person on his or her behalf receives any money or valuable consideration because some person
 - (i) has voted or refrained from voting,
 - (ii) has induced any other person to vote or refrain from voting, or
 - (iii) has voted for or against or has induced any other person to vote for or against a candidate, bylaw or question,at an election.

1983 cL-27.5 s116

Undue influence**117** A person commits the offence of undue influence who

- (a) directly or indirectly by himself or herself or by any other person on his or her behalf,
 - (i) makes use of or threatens to make use of any force, violence or restraint,
 - (ii) inflicts or threatens the infliction personally or by or through any other person of any injury, damage, harm or loss, or
 - (iii) in any manner practises intimidation,
 - on or against any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, bylaw or question, at an election, or on account of an elector having voted or refrained from voting at an election, or
- (b) by abduction, duress or any fraudulent device or contrivance
 - (i) impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector, or
 - (ii) compels, induces or prevails on an elector to give or refrain from giving the elector's vote, or to vote for or against a candidate, bylaw or question, at an election.

1983 cL-27.5 s117

118 Repealed 2018 c23 s48.

Oral evidence

119 When on an application in the nature of a quo warranto a question is raised relating to whether the candidate, elector or other person has been guilty of bribery or undue influence, oral evidence shall be used to prove the offence, and evidence by affidavit may not be used to prove the offence.

RSA 2000 cL-21 s119;2011 c14 s17

Forfeiture of seat

120 A candidate elected at an election who is found guilty, on the hearing of an application in the nature of a quo warranto, of bribery or of using undue influence

- (a) forfeits the elected office, and
- (b) is ineligible to be nominated as a candidate until after 2 general elections have taken place following the candidate's conviction.

RSA 2000 cL-21 s120;2018 c23 s49

Penalty for bribery or undue influence

121(1) A person adjudged guilty of bribery or undue influence is liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment and the fine must be paid to the local jurisdiction on behalf of which the election was conducted.

(2) The judge shall direct that, in default of payment of the penalty within the time fixed by the judge, the person adjudged guilty of bribery or undue influence be imprisoned for the period the judge directs, not exceeding 30 days, or until the penalty is sooner paid.

(3) If the person adjudged guilty of bribery or undue influence fails to pay the penalty within the time fixed by the judge, the judge shall issue a warrant for the person's arrest and imprisonment.

1983 cL-27.5 s121;1997 c15 s29

Report of bribery or undue influence convictions

122(1) A judge who finds a person guilty of bribery or undue influence shall report that finding forthwith to the secretary.

(2) The secretary shall enter in a book to be kept for that purpose the names of all persons who have been reported to the secretary by the judge pursuant to subsection (1).

1983 cL-27.5 s122

Witnesses

123(1) A witness is bound to attend before a judge

- (a) on being served with a notice signed by the judge or by the solicitor of either party directing the witness's attendance, and
- (b) on payment of the proper fees, expenses and allowances in accordance with the *Alberta Rules of Court*,

and in default of attendance the witness may be punished for contempt of court.

(2) No person shall be excused from answering any questions put to the person

- (a) on the hearing of an application in the nature of a quo warranto, or
- (b) in a proceeding touching or concerning an election or the conduct of a person in relation to an election,

on the ground that the answer to the question will tend to incriminate the person.

(3) No incriminating answer given to any question in proceedings under this Act shall be used against the person who gave the answer in proceedings, under this or any other Act, except in a prosecution for perjury or for the giving of contradictory evidence.

(4) No person who has voted at an election shall be required to state in evidence in any legal proceedings whether the person has voted for or against a particular candidate, bylaw or question.

RSA 2000 cL-21 s123;2009 c53 s104

Limitation of action

124 No proceedings against a person for bribery or undue influence may be commenced after 6 weeks from the election day in respect of which the offence is alleged to have been committed.

1983 cL-27.5 s124

Recovery of penalties

125(1) No pecuniary penalty or forfeiture imposed by this Act for an act of bribery or undue influence at an election is recoverable if it appears

- (a) that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices, or otherwise, and
- (b) that the person charged has previously prosecuted in good faith the other person or persons or any of them for that act.

(2) Subsection (1) does not apply if the judge certifies that it clearly appears to the judge that the person charged took the first step toward the commission of the offence charged and was in fact the principal offender.

1983 cL-27.5 s125

Trial of an election

126(1) If the validity of an election of a member of an elected authority or the member's right to hold the seat is contested, or if the validity of a vote on a bylaw or question is contested, the issue may be tried by the Court.

(2) The issue may be raised before the Court by

(a) a candidate at the election,

(a.1) the elected authority,

(b) any elector

(i) if the right to sit is by acclamation, or

(ii) if the right to sit is contested on the grounds that a member of the elected authority is ineligible, disqualified or has forfeited the member's seat since the member's election,

or

(c) an elector who gave or tendered the elector's vote at the election.

RSA 2000 cL-21 s126;2006 c22 s56

Fiat for application

127(1) For the purposes of this section and sections 128 to 138, "respondent" means the party against whom an application is made.

(2) If within 6 weeks after an election the person raising an issue shows by affidavit to a judge reasonable grounds

(a) for supposing that the election was not legal or was not conducted according to law,

(b) for supposing that an unsuccessful candidate was not eligible for nomination and that the results of the election would have been different had that candidate not run,

(c) for contesting the validity of the election of a member of the elected authority, or

- (d) for contesting the validity of the result of a vote on a bylaw or question,

the judge may grant a fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided by subsection (4), to apply for judicial review for an order in the nature of a quo warranto to determine the matter.

(3) If at any time the person raising the issue shows to a judge by affidavit reasonable grounds for supposing that a member of an elected authority other than a member of council has become disqualified since the member's election and has not resigned the member's seat, the judge may grant a fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided by subsection (4), to apply for judicial review for an order in the nature of a quo warranto to determine the matter.

(4) The recognizance to be allowed as sufficient by the judge shall be entered into before the judge or before a commissioner for oaths by

- (a) the person raising the issue, in the sum of \$300, and
- (b) 2 sureties on affidavits of justification, each in the sum of \$100,

and shall be conditioned to prosecute the application with effect to pay to the respondent any costs that may be adjudged to the respondent against the person raising the issue.

(5) When the sufficiency of the sureties has been determined and the recognizance has been allowed as sufficient by the judge, the judge shall note or endorse on it and on the fiat allowing service of the application the words "recognizance allowed" and shall initial it.

RSA 2000 cL-21 s127;2009 c53 s104

Application requirements

128(1) An application may either state

- (a) the return day of the application, being not fewer than 7 clear days after the day of the service of it, or
- (b) that the application will be made on the 8th day after the day of service of the copy of the application.

(2) The person raising the issue shall in the person's application set out the person's name in full, the person's place of residence and the interest, as a candidate, elector or otherwise, that the person

has in the election and shall also state specifically under distinct heads

- (a) all the grounds of objection to the validity of the election complained against,
- (b) if the person raising the issue claims that the person or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons,
- (c) the grounds of forfeiture or disqualification of the respondent,
- (d) if the person raising the issue claims that the result of the voting on the bylaw should be reversed, the grounds in support of that contention, and
- (e) if the person raising the issue makes any other claim, the grounds in support of that claim.

RSA 2000 cL-21 s128;2009 c53 s104;2011 c14 s17

Filing of documents

129 Before serving the application, the person raising the issue shall file all affidavits and material on which the person intends to rely, except where oral evidence is to be taken, in which case the person shall name in the application the witnesses whom the person proposes to examine.

RSA 2000 cL-21 s129;2009 c53 s104

Service of application

130(1) The application shall be served on the persons and in the manner that the judge directs.

(2) Service of the application shall be made within 2 weeks from the date of the fiat granted by the judge unless otherwise ordered by the judge.

RSA 2000 cL-21 s130;2009 c53 s104

Application to try validity of election

131 When the person raising the issue alleges that the person personally or some other person or persons have been elected, the application shall be to try the validity both of the election complained of and of the alleged election of the person raising the issue or of the other person or persons.

RSA 2000 cL-21 s131;2009 c53 s104

Combination of applications

132 If any of the grounds of objection apply equally to 2 or more persons declared elected, the person raising the issue may proceed by one application against all those persons.

RSA 2000 cL-21 s132;2009 c53 s104

Grounds not allowed

133(1) On the hearing of the application, the person raising the issue shall not be allowed

- (a) to object to the voting on the bylaw or question,
- (b) to object to the election of the respondent,
- (c) to attack the respondent's right to sit, or
- (d) to support the election of any person alleged to have been elected,

on any ground not specified in the application.

(2) Notwithstanding subsection (1), the judge in the judge's discretion may entertain any substantial ground of objection to or any substantial contention in support of

- (a) the voting on a bylaw or question, or
- (b) the validity of the election or of the right to sit of either or any of the parties who may appear in evidence before the judge.

RSA 2000 cL-21 s133;2009 c53 s104

Production of election material

134 The judge may require the secretary to produce any ballots, books, lists of electors and other lists and any other records of the election and documents in the secretary's possession and connected with the election that the judge considers necessary.

1983 cL-27.5 s134

Adding parties

135 The judge may, if the judge thinks proper at any stage of the proceedings, make an order adding the returning officer, deputy or any other person as a party.

1983 cL-27.5 s135

Intervention

136 The judge may allow any person described in section 126(2) to intervene in the proceedings and to prosecute or defend and may grant a reasonable time for that purpose, and an intervening party is

as liable to pay and as entitled to receive costs as any other party to the proceedings.

1983 cL-27.5 s136

Hearing

137(1) The judge shall without formal pleadings hear and determine

- (a) the validity of the voting on the bylaw or question or in the election, or
- (b) the right of the respondent to sit,

and may inquire into the facts on affidavit or affirmation or by oral testimony.

(2) If the validity of an election is contested before a judge on the grounds of

- (a) a contravention of this Act or of any other Act applicable to
 - (i) the election,
 - (ii) the procedure at the voting station, or
 - (iii) the counting of the votes,
- (b) a mistake in the use of any of the forms required in connection with the election, or
- (c) any other irregularity,

the judge, in the judge's discretion, may adjudge the election invalid.

(3) If the validity of an election is contested before a judge on the grounds mentioned in subsection (2) and it appears to the judge that the election was conducted substantially in accordance with the requirements of this Act and that the contravention, mistake or irregularity did not materially affect the result of the election, the judge may adjudge the election valid.

RSA 2000 cL-21 s137;2009 c53 s104

Invalid election

138(1) If the election of a candidate complained of is adjudged invalid, the judge shall, by the judgment, order the respondent to be removed and the respondent's office vacated, and if the judge determines that any other person was elected the judge shall forthwith order the other person to be admitted to the office.

(2) If the voting on a bylaw or question complained of is adjudged invalid, the judge shall, by the judgment, declare the voting on the bylaw or question invalid and may order a new election to be held or make any order the judge considers just having regard to all the circumstances.

(3) If the judge determines

- (a) that the election of all members of an elected authority is invalid, or
- (b) that all members of an elected authority have become disqualified,

the judge shall forthwith order a new election to be held and the order shall be directed to the secretary, who on receipt of the order has all powers in connection with the holding of the election that are conferred by law on the elected authority for filling vacancies on the elected authority.

(4) Notwithstanding subsection (3), the relevant Minister may make any regulations for the conduct of the election not inconsistent with any Act that the relevant Minister considers proper and the secretary shall conform in all respects to those regulations.

(5) The *Regulations Act* does not apply to regulations made under subsection (4).

1983 cL-27.5 s138

Liability for costs — improper refusal

139(1) If an election has been held invalid owing to the improper refusal of a returning officer or deputy to receive ballots tendered by electors or to give ballot papers to electors, the judge may in the judge's discretion order that the costs of the proceedings to unseat the candidate declared elected, or to declare the bylaw or any part of it or a vote on a question invalid, or any other costs, be paid by the returning officer or deputy.

(2) Nothing in subsection (1) affects any right of action against a returning officer or deputy or relieves the returning officer or deputy from any other penalty or punishment to which the returning officer or deputy may be liable.

1983 cL-27.5 s139

Liability for costs — non-feasance or misfeasance

140 If it appears to the judge that an election is invalid by reason of any act of non-feasance or misfeasance on the part of

- (a) the returning officer, or

- (b) a deputy,

the judge may in the judge's discretion order that the costs of the proceedings to unseat the person declared elected, or to declare the voting on the bylaw or question, or any part of it, invalid, or any other costs, be paid by the local jurisdiction in and for which the election was held.

1983 cL-27.5 s140;1991 c23 s2(59)

Form and effect of order

141 After the adjudication of the case, an order shall be drawn up in the usual manner that shall state concisely the ground and effect of the decision, and the order

- (a) may at any time be amended by the judge in regard to any matter or form, and
- (b) has the same force and effect as a writ of mandamus formerly had in similar cases.

1983 cL-27.5 s141

Return of judge's order

142(1) The judge, immediately after the judge's decision, shall return the judge's order to the proper office of the Court to be kept as a record of the judgment of the Court.

(2) The judgment of the Court may be enforced in the same manner as an ordinary order of mandamus of the Court and a writ of enforcement may be issued under it to recover any costs awarded by the judgment.

1983 cL-27.5 s142;1994 cC-10.5 s140

Disclaimer after application

143 A candidate

- (a) whose election is complained of, unless the election is complained of on the ground of bribery or undue influence on the part of that person, or
- (b) other than a member of council, whose seat is attacked on the ground that the candidate has become ineligible or disqualified,

may within 7 days after service on the candidate of an application described in section 128 cause to be delivered to, or may transmit by prepaid registered mail directly to the clerk of the Court and also to the person raising the issue, or that person's solicitor, a disclaimer signed by the candidate in the prescribed form.

RSA 2000 cL-21 s143;2009 c53 s104

Effect of disclaimer

144(1) A disclaimer in the prescribed form delivered

- (a) before the election, or
- (b) before the person disclaiming is complained of,

relieves the person making it from all liability to costs.

(2) A disclaimer in the prescribed form delivered or transmitted under this Act operates as a resignation and the vacancy so created shall be filled in the manner provided by this Act.

(3) A disclaimer in the prescribed form delivered to the returning officer before election day may be posted by the returning officer in the voting stations.

RSA 2000 cL-21 s144;2003 c27 s38;2018 c23 s50

Delivery of duplicate disclaimer

145 A person disclaiming after service on the person of an application for judicial review for an order in the nature of a quo warranto shall deliver a duplicate of the person's disclaimer to the secretary, and the secretary shall forthwith communicate it to the elected authority.

RSA 2000 cL-21 s145;2009 c53 s104

Right of appeal

146 An appeal against the decision of a judge lies to the Court of Appeal and the proceedings appertaining to it shall be as nearly as possible the same as in an appeal in other cases from a decision of the Court of Queen's Bench.

1983 cL-27.5 s146

Regulations

147 The Minister may make regulations respecting the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part.

RSA 2000 cL-21 s147;2011 c14 s17

Part 5.1

Election Finances and Contributions Disclosure

Interpretation

147.1(1) In this Part,

- (a) "campaign expense" means any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary

contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,

- (i) the production of advertising or promotional material,
 - (ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
 - (iii) the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity,
 - (iv) securing a meeting place, or
 - (v) the conduct of election surveys or other surveys or research during a campaign period;
- (b) "campaign period" means
- (i) in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
 - (ii) in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election;
- (c) "contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate's election campaign without fair market value compensation from that candidate, but does not include a service provided by an individual who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;
- (d) "employee organization" means an organization, other than a trade union, that bargains collectively for employees;
- (e) "group" means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;

- (f) “prohibited organization” means a corporation and an unincorporated organization, including a trade union and an employee organization;
- (g) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.

(2) The value of a contribution, other than money, provided to a candidate is the fair market value of the contribution at the time it is provided.

(3) If any personal property, real property or service or the use of personal property or real property is provided to a candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Part.

(4) For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

(5) In this section, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

2018 c23 s51

147.11 Repealed 2018 c23 s51.

Application of Part

147.12 This Part applies to candidates for election as a councillor in a municipality or as a trustee of a school board.

2018 c23 s51

Responsibility of contributors

147.13(1) A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of the limit prescribed by section 147.2(3).

(2) Every candidate and every person acting on behalf of a candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Part relating to contributions.

2018 c23 s51

Limitations on contributions

147.2(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.

- (2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.
- (3) No individual ordinarily resident in Alberta shall contribute in any campaign period an amount that exceeds
- (a) \$4000 in the aggregate to candidates for election as councillors, and
 - (b) \$4000 in the aggregate to candidates for election as school board trustees.
- (4) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period is a contribution to the candidate's own campaign and is subject to the limit prescribed by subsection (3).
- (5) No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.
- (6) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).

2018 c23 s51

147.21 Repealed 2018 c23 s51.

Acceptance of contributions

- 147.22(1)** No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.
- (2) No candidate and no person acting for a candidate shall accept a contribution or incur a campaign expense except during the campaign period.
- (3) Subsections (1) and (2) do not apply to a person who accepts not more than \$2000 in the aggregate in contributions or who incurs not more than \$2000 in the aggregate in campaign expenses, provided that the contributions are not accepted and the expenses are not incurred within the campaign period.

2018 c23 s51

Anonymous and unauthorized contributions

147.23 Any anonymous contributions and any contribution or portion of a contribution made in contravention of this Part accepted by a candidate or a person acting on behalf of a candidate must not be used or expended, and the candidate or the person acting on behalf of the candidate shall

- (a) return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction for which the candidate is running for election.

2018 c23 s51

Contributions not belonging to contributor

147.24(1) No individual shall contribute to a candidate

- (a) funds not belonging to that individual, or
- (b) funds that have been given or furnished to the individual by another individual or a prohibited organization for the purpose of making a contribution of those funds to a candidate.

(2) No individual and no prohibited organization shall give or furnish funds to another individual for the purpose of having that other individual make a contribution of those funds to a candidate.

(3) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the contribution is contrary to subsection (1).

2018 c23 s51

Duties of candidate

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate,
- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account,

- (c) money in the campaign account shall only be used for the payment of campaign expenses,
- (d) contributions of real property, personal property and services are valued,
- (e) receipts are issued for every contribution and obtained for every expense,
- (f) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the date on which disclosure statements were required to be filed under section 147.4, and
- (g) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit contributions on behalf of the candidate.

(2) A candidate shall not knowingly make a false or misleading statement in any disclosure statement or financial statement or other information required to be filed under this Part.

2018 c23 s51

Fund-raising functions

147.31(1) In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the candidate's election campaign by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the candidate on whose behalf the function was held.

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a candidate, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the candidate:

- (a) if the individual charge
 - (i) is \$50 or less, it is not considered to be a contribution unless the individual who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,
 - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and

- (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;
 - (b) the amount of the contribution is the difference between the price of the ticket and the fair market value of what the ticket entitles the bearer to obtain.
- (4) The price paid at a fund-raising function in excess of the fair market value at that time for goods or services received is considered to be a contribution to the candidate's election campaign.

2018 c23 s51

Receipts

147.32 Every candidate or a person acting on behalf of the candidate shall issue a receipt for every contribution accepted in a form acceptable to the local jurisdiction.

2018 c23 s51

Loans

147.33(1) A candidate

- (a) may borrow money only from a financial institution, and
 - (b) shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.
- (2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.
- (3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2,
- (a) a contribution by that individual, and
 - (b) a contribution accepted by the borrower,
- if the individual is not reimbursed by the borrower before the borrower is next required to file a disclosure statement.
- (4) This section does not apply to the borrowing of money for purposes unrelated to the candidate's election campaign.

2018 c23 s51

Campaign expense limits

147.34 No candidate and no chief financial officer of a candidate shall incur campaign expenses that exceed, in the aggregate, the amounts determined by the regulations.

2018 c23 s51

Campaign disclosure statements

147.4(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of all contributions received as referred to in section 147.22(3),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

(2) If a candidate's disclosure statement from the election campaign shows a campaign deficit and the candidate does not file nomination papers before the next general election, the candidate shall eliminate the deficit within 6 months after the date of the next general election.

- (3) A payment made by a candidate to eliminate a deficit referred to in subsection (2) is deemed not to be a contribution for the purpose of section 147.2.
- (4) A candidate who has a deficit referred to in subsection (2) shall, within 30 days after the expiration of the 6-month period referred to in subsection (2), file an amended disclosure statement showing that the deficit has been eliminated.
- (5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.
- (6) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the local jurisdiction.
- (7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.
- (8) An elected authority may pass a bylaw requiring candidates running for election in that local jurisdiction to file a pre-election disclosure statement with the secretary of the local jurisdiction
- (a) with respect to a general election, prior to December 31 of the year before the general election is held, and
 - (b) with respect to a by-election, at least 180 days before the by-election at which the bylaw is to take effect.
- (9) A bylaw passed under subsection (8) must
- (a) set out the information that a candidate must disclose in a pre-election disclosure statement, which may include, without limitation, any of the information required in subsection (1)(a) to (j), with necessary modifications,
 - (b) prescribe the form in which a candidate must make the pre-election disclosure statement,
 - (c) set the date by which the pre-election disclosure statement must be submitted for filing, which must be prior to the date of the election to which the pre-election disclosure statement relates,
 - (d) set out the manner in which the local authority will make the information referred to in subsection (10) publicly available,

- (e) set out the period of time within which the local authority will make the information referred to in subsection (10) publicly available, and
- (f) include any other provisions that the elected authority considers necessary or advisable with respect to pre-election disclosure statements.

(10) An elected authority that passes a bylaw under subsection (8) must make the following information publicly available in the manner and during the period of time set out in the bylaw:

- (a) the information provided by each candidate on the pre-election disclosure statement;
- (b) if a candidate fails to submit a pre-election disclosure statement in accordance with the bylaw, the fact that the candidate has failed to submit a pre-election disclosure statement.

2018 c23 s51

Campaign surplus

147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus, the candidate shall pay the amount of the surplus to the local jurisdiction.

(2) The local jurisdiction shall hold any amount received under subsection (1) in trust for the candidate at a financial institution.

(3) If the candidate in respect of whom the amount is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the local jurisdiction shall pay the amount received under subsection (1) to the candidate for use in that election.

(4) If the candidate in respect of whom an amount is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the local jurisdiction to donate the amount to a registered charity.

(5) If the local jurisdiction does not receive a direction under subsection (4), the money becomes the property of the local jurisdiction.

(6) This section applies to candidates whether or not the candidate is elected.

2018 c23 s51

147.6 Repealed 2012 c5 s123.

Late filing

147.7(1) In this section, “filing deadline” means the day by which a disclosure statement referred to in section 147.4 is required to be filed with a local jurisdiction.

(2) A candidate who is required to file a disclosure statement under section 147.4 and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the relevant local jurisdiction.

(3) A local jurisdiction shall not transmit a report in relation to a candidate under section 147.8 if the return is filed no later than 10 days after the filing deadline.

(4) If the late filing fee is not paid within 30 days after the date the fee was payable, the local jurisdiction shall send a notice to the candidate, indicating the amount of the late filing fee that is required to be paid.

(5) If a candidate who is sent a notice by the local jurisdiction under subsection (4) fails to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice with the clerk of the Court of Queen’s Bench, and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2018 c23 s51

**Effect of non-compliance in relation
to disclosure statements**

147.8(1) Subject to section 147.7, if a candidate fails to file a disclosure statement as required by section 147.4

- (a)** in the case of an election of municipal councillors, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public, and
- (b)** in the case of an election of school board trustees, the secretary of the school board shall transmit a report to that effect to the school board, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with that section,
 - (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
 - (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
 - (d) refuse the application.
- (4) A candidate may apply to the Court under this section and name the municipality or the school board, as the case may be, as the respondent.
- (5) The decision of the Court is final and not subject to appeal.

2018 c23 s51

Prosecution

147.81 A prosecution under this Part may be commenced within 3 years of the commission of the alleged offence but not afterwards.

2018 c23 s51

Offences relating to contributions

147.82(1) A prohibited organization or a person acting on its behalf that contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.

(2) An individual who contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$5000.

(3) A candidate who contravenes section 147.22(1) or (2) is guilty of an offence and liable to a fine of not more than \$1000.

(4) A candidate or a person acting on behalf of a candidate who fails to return or pay an amount referred to in section 147.23(a) or (b) is guilty of an offence and liable to a fine of not more than \$5000.

(5) A prohibited organization or a person acting on its behalf that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.

(6) An individual who contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

Failure of candidate to comply with duties

147.83 A candidate who contravenes section 147.3 is guilty of an offence and liable to a fine of not more than \$1000.

2018 c23 s51

Failure to file

147.84(1) A candidate who fails to comply with section 147.4 by April 1 in the year following a general election, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.

(2) If a candidate is found guilty of contravening section 147.4, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the local jurisdiction as soon as possible.

(3) Section 147.5(2) to (5) apply to money paid to a local jurisdiction pursuant to a court order under this section.

2018 c23 s51

Expenses more than maximum

147.85 A candidate who contravenes section 147.34 is guilty of an offence and liable to a fine of not more than \$10 000.

2018 c23 s51

147.9 Repealed 2010 c9 s2.

Regulations and bylaw

147.91(1) The Minister may make regulations

- (a) determining campaign expense limits for the purpose of section 147.34;
- (b) respecting transitional matters relating to the coming into force of *An Act to Renew Local Democracy in Alberta* not otherwise provided for in that Act, including remedying any confusion, difficulty, inconsistency or impossibility resulting from the enactment of that Act.

(2) An elected authority may pass a bylaw determining campaign expense limits for the purpose of section 147.34 in an amount that is less than the amount determined by regulation under subsection (1)

- (a) with respect to a general election, prior to December 31 of the year before the general election is held, and

- (b) with respect to a by-election, at least 180 days before the by-election at which the bylaw is to take effect.

2018 c23 s51

147.92 Repealed 2018 c23 s51.**Transitional — definitions****147.93** In sections 147.94 to 147.96,

- (a) “former Act” means the *Local Authorities Election Act* as it read immediately before the Bill received first reading;
- (b) “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

2018 c23 s51

Transitional — all candidates**147.94(1)** In this section, “candidate” means a candidate for election as a municipal councillor and, subject to subsection (2), for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) Subject to subsection (4), section 147.95(4) and 147.96(4), if a candidate or a person acting on behalf of a candidate received a contribution on or after January 1, 2018 but before the date the Bill receives Royal Assent, other than a contribution used to eliminate a deficit shown on the candidate’s disclosure statement for the most recent election campaign, the contribution is deemed to be collected in the next campaign period.

(4) If a candidate or a person acting on behalf of a candidate receives a contribution from a prohibited organization, trade union or employee organization within the meaning of section 147.1 of the former Act on or after the date the Bill receives first reading but before the date it receives Royal Assent, the candidate, no later than 30 days after the Bill receives Royal Assent, shall

- (a) return the contribution to the contributor if the contributor’s identity can be established, or
- (b) if the contributor’s identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (4), the candidate is deemed to have contravened section 147.2(5) as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(6) A candidate who fails to comply with subsection (4) is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

Transitional — municipal candidates

147.95(1) In this section, “candidate” means a candidate for election as a municipal councillor.

(2) If during the campaign period that commenced January 1, 2018, money paid by a candidate in accordance with section 147.11 of the former Act before the Bill receives first reading equalled or exceeded \$4000, the candidate is not entitled to make any further contributions under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates in accordance with section 147.2 of the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.

(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, on or after January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (2), (3) or (4), or an individual fails to comply with subsection (3), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

Transitional — school board trustee candidates

147.96(1) In this section, subject to subsection (2), “candidate” means a candidate for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first

reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates for school board trustee under the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.

(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, since January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) A candidate shall, no later than 90 days after the Bill receives Royal Assent,

- (a) file with the local authority a statement disclosing the total amount of all campaign contributions held by the candidate, and
- (b) pay any campaign surplus held by the candidate to the local authority.

(6) If an individual fails to comply with subsection (3), or a candidate fails to comply with subsection (4) or (5), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

(7) A bylaw made under section 118 of the former Act applies only with respect to campaign expenses accepted and campaign expenses incurred before the Bill receives first reading, and section 118(2.2) of the former Act continues to apply with respect to the examination of the statements of contributions and campaign expenses made under that section.

(8) Despite the repeal of section 118 of the former Act, a school board may make bylaws respecting the transition from its bylaw passed under section 118(2) of the former Act and the coming into force of *An Act to Renew Local Democracy in Alberta*, for the purposes of reporting contributions.

2018 c23 s51

(NOTE: Sections 147.93 to 147.96 are deemed to have come into force on November 5, 2018.)

Part 6 Offences

Prohibitions

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 the person 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.

(6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority,

bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.

(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.

RSA 2000 cL-21 s148;2018 c23 s52

Offences — returning officer or deputy returning officer

149 A returning officer or deputy who

- (a) takes or receives a vote in contravention of this Act,
- (b) refuses or wilfully omits to sign the returning officer's or deputy's initials on any ballot,
- (c) acts wilfully in contravention of this Act, or
- (d) commits a wilful omission,

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s149;1991 c23 s2(62);1997 c15 s33

Offences — integrity of the vote

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.

(4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the

prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.

(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 the elector's ballot.

(9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

RSA 2000 cL-21 s150;2006 c22 s57

Offence — candidate's acceptance

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 \$1000.

1983 cL-27.5 s151

Advertisement distribution

152(1) Subject to subsection (2), a person who, at an advance vote or on election day,

- (a) displays within a building used for a voting station or on the property on which a building used for a voting station is located, or
- (b) distributes within a building used for a voting station or on the property on which the building used for a voting station is located,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in

accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) Repealed 2018 c23 s53.

(4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

RSA 2000 cL-21 s152;2006 c22 s58;2018 c23 s53

Campaign activities at a voting station

152.1(1) Subject to subsection (2), a person who, at an advance vote or on election day, canvasses or solicits votes, or communicates with any person for the purpose of influencing that person's vote, in a voting station or on the property on which a building used for a voting station is located is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) If a person contravenes this section, the deputy may issue one or more of the following directions to the person:

- (a) to cease all conduct that constitutes a contravention;
- (b) to leave a location referred to in subsection (1) or (2);
- (c) to move to a location specified by the deputy.

(4) A person who, on receiving a direction under subsection (3), fails to immediately comply with the direction is guilty of an offence and liable to a fine of not more than \$500.

(5) If a person contravenes this section, the deputy may request the assistance of a peace officer

- (a) to aid the deputy in maintaining unobstructed public access to the voting station, and

- (b) to remove a person who has refused to comply with a direction referred to in subsection (3) from a location referred to in subsections (1) and (2).

2018 c23 s54

Interference with posted documents

153 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is an officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

1983 cL-27.5 s155;1997 c15 s36

Improper appointment

154 A person who

- (a) procures an appointment as a returning officer, deputy or constable by false pretence, deceit or other improper means, or
- (b) acts as a returning officer, deputy or constable without lawful authority,

is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s156;1991 c23 s2(66)

Provision of time to vote

155 An employer who directly or indirectly

- (a) refuses to allow, or
- (b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have a period of absence for voting provided for under section 58 is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s157;1997 c15 s37

Offence

156 A person who obstructs or interferes with the free access of

- (a) an enumerator,
- (b) a candidate, or

- (c) a campaign worker on behalf of a candidate

to a residence in a building containing 2 or more residences or to a residence in a mobile home park is, if the enumerator, candidate or campaign worker produces identification of that person's status as an enumerator, candidate or campaign worker, guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s158

Penalty — general

157 A person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine of not more than \$500.

1983 cL-27.5 s159

Offence re use of information

158 Any person who

- (a) uses any information obtained from the permanent electors register for a purpose other than that referred to in section 49 or 50,
- (b) uses any information provided to, or obtained by, a secretary under section 49 other than for the purpose of compiling or revising the permanent electors register or preparing a list of electors under section 50(1),
- (c) contravenes section 50(3), or
- (d) uses any information obtained while carrying out an enumeration pursuant to a bylaw under section 50 other than for the purposes of the enumeration,

is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for not more than one year or to both fine and imprisonment.

1997 c15 s38

Part 7 General

Methods of notification

158.1 Notwithstanding any provision of this Act, if a municipality has passed a bylaw in accordance with section 606.1 of the *Municipal Government Act*, the method or methods for advertising authorized by that bylaw may be used by that municipality for the purpose of notifications referred to in sections 26, 35, 53.01, 53.1 and 74 of this Act.

2018 c23 s55

Transitional

158.2(1) In this section, “former Act” means the *Local Authorities Election Act* as it read immediately before the Bill to enact *An Act to Renew Local Democracy in Alberta* received first reading.

(2) The former Act applies to the following:

- (a) a by-election where the vacancy to which the by-election relates occurs before the coming into force of this section;
- (b) a vote on a question or bylaw where the resolution or bylaw that fixes the day for the vote on the question or bylaw is passed before the coming into force of this section.

2018 c23 s55

Regulations

159(1) The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next session of the Legislature.

(2) The Minister may make regulations

- (a) prescribing forms and their contents for use under this Act;
- (b) respecting standards for ballot boxes;
- (c) respecting identification indicating that a person is an enumerator, a candidate, an official agent, a scrutineer or a campaign worker.

RSA 2000 cL-21 s159;2003 c27 s39;2006 c22 s59

Regulations

160(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may make regulations

- (a) prescribing a system for the conduct and procedure of an election or vote that is not provided for in this Act or that is a modification of a system under this Act;
- (a.1) respecting standards for a system described in clause (a) and respecting evidence of compliance with those standards;
- (b) prescribing forms for use in connection with a system prescribed by regulations under this subsection;
- (c) with respect to a system prescribed by regulations under this subsection, providing for any matter not provided for or insufficiently provided for in this Act;

- (d) providing that any person who contravenes any provision of the regulations under this subsection is guilty of an offence and liable to imprisonment for a term not exceeding 6 months or to a fine of not more than \$500 or to both fine and imprisonment.

(1.1) A regulation under subsection (1)(a.1) may adopt or incorporate in whole or in part, or with modifications, standards, codes or other bodies of rules that relate to any matter in respect of which a regulation may be made under subsection (1)(a.1) if the standards, codes or other bodies of rules have been published and copies are available.

(2) On the application of an elected authority, the relevant Minister may, by order, on any terms and conditions the relevant Minister may prescribe, authorize the elected authority to pass a bylaw adopting the system for conducting an election prescribed by regulations under subsection (1).

(3) Subject to regulations under subsections (1) and (2), the provisions of this Act apply to an election held under this section.

(4) The *Regulations Act* does not apply to orders under subsection (2).

RSA 2000 cL-21 s160;2003 c27 s40

Bylaws valid

161 A bylaw passed pursuant to this Act remains in force until it is repealed.

1991 c23 s2(67)

Part 8

Third Party Advertising

Definitions

162(1) In this Part,

- (a) “advertising account” means, as applicable,
 - (i) the account on record with the local jurisdiction for the purpose of accepting advertising contributions for election advertising and for the payment of advertising expenses for election advertising, and
 - (ii) the account on record with the local jurisdiction for the purpose of accepting advertising contributions for political advertising and for the payment of advertising expenses for political advertising;
- (b) “advertising contribution” means, subject to subsection (2),

- (i) money provided to or for the benefit of a third party, or
- (ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a third party,

without compensation from that third party, for the purpose of election advertising or political advertising, whether provided before or after the third party becomes registered under section 163;

- (c) “advertising expense” means an expense incurred in relation to
 - (i) the production of an election advertising message or political advertising message in the format in which the message is to be transmitted, and
 - (ii) the acquisition of the means of transmission to the public of an election advertising message or a political advertising message;
- (d) “election advertising” means, subject to subsection (3), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes the election of a candidate, including an advertising message that takes a position on an issue with which a candidate or a council is associated, and for greater certainty does not include
 - (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
 - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
 - (iii) the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
 - (iv) the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,
 - (v) the making of telephone calls to electors only to encourage them to vote,

- (vi) advertising by the local jurisdiction in any form, or
 - (vii) the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;
- (e) “election advertising period” means
- (i) in the case of a general election, the period commencing May 1 in the year in which a general election is held and ending at the end of the election day,
 - (ii) in the case of a by-election, the period commencing on the date the by-election is set by bylaw or resolution and ending at the end of the election day, and
 - (iii) in the case of a vote on a question or bylaw, the period commencing on the date the election is set by bylaw or resolution and ending at the end of the election day;
- (f) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;
- (g) “expenses” means
- (i) amounts paid,
 - (ii) liabilities incurred,
 - (iii) subject to subsection (2)(a), the market value of real property, goods and services that are donated or provided, and
 - (iv) subject to subsection (2)(a), amounts that represent the difference between an amount paid or a liability incurred for real property, goods or services and the market value of the real property, goods or services, when they are provided at less than their market value;
- (h) “group” means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;
- (i) “political advertising” means, subject to subsection (5), the transmission to the public by any means, at any time other than during an election advertising period, of an advertising

message that promotes or opposes the election of a candidate, including an advertising message that takes a position on an issue with which a candidate is associated, and for greater certainty does not include

- (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
- (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value,
- (iii) the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
- (iv) the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,
- (v) the making of telephone calls to electors only to encourage them to vote,
- (vi) advertising by the local jurisdiction in any form, or
- (vii) the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;
- (j) “prohibited corporation” means a prohibited corporation as defined in the *Election Finances and Contributions Disclosure Act*;
- (k) “registered third party” means a third party registered under this Part;
- (l) “third party” means an individual, corporation or group, but does not include a candidate;
- (m) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.

(2) For the purposes of subsection (1)(b), “services” does not include

- (a) volunteer labour provided by an individual, so long as that individual does not receive from that individual's employer or any person, compensation or paid time off to volunteer,
- (b) professional services provided free of charge for work relating to compliance with this Act,
- (c) services provided free of charge by an individual acting as the chief financial officer of the recipient of the services for work relating to compliance with this Act, or
- (d) services that a third party provides in support of its own campaign,

but for greater certainty "services" includes services provided by an individual who is self-employed if the services are normally charged for by that individual.

(3) For the purposes of subsection (1)(d), "election advertising" includes

- (a) canvassing for the benefit of a candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a candidate.

(4) In determining a significant purpose of an event under subsection (3)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;
- (c) the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;
- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with a candidate.

(5) For the purposes of subsection (1)(i), "political advertising" includes

- (a) canvassing for the benefit of a candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a candidate.

(6) In determining a significant purpose of an event under subsection (5)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;
- (c) the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;
- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with a candidate.

(7) The Minister may issue guidelines respecting the application of this Part and shall publish any guidelines on the Minister's department's website.

2018 c23 s56

Registration of third parties

163(1) A third party shall apply for registration in a local jurisdiction under this section

- (a) when it has incurred expenses of at least \$1000 or plans to incur advertising expenses of at least \$1000 for election advertising or political advertising, or
- (b) when it has accepted advertising contributions of at least \$1000 or plans to accept advertising contributions of at least \$1000.

(2) A local jurisdiction shall maintain separate registers as follows:

- (a) a register of third parties who engage in election advertising;
- (b) a register of third parties who engage in political advertising.

(3) Subject to this section, the local jurisdiction shall register in the appropriate register any third party who is eligible to be registered and who files with the local jurisdiction an application for registration in the prescribed form setting out the following:

- (a) the name and contact information
 - (i) if the third party is an individual, of the individual,
 - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and
 - (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;
- (b) whether the third party will be engaging in election advertising or political advertising or both;
- (c) in the case of a third party who engages or will be engaging in election advertising, the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta to which communications may be addressed;
- (d) in the case of a third party who engages or will be engaging in political advertising, the address and telephone number of the place or places in Canada where records of the third party are maintained and of the place in Canada to which communications may be addressed;
- (e) the name and contact information of the chief financial officer responsible for the advertising account of the third party;
- (f) the name and address of the financial institution to be used by the third party for its advertising account;
- (g) the names of the signing authorities for the advertising account;
- (h) any additional information required by the local jurisdiction concerning an advertising account.

(4) If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses or political advertising expenses, as the case may be.

(5) A local jurisdiction shall not register a third party if, in the local jurisdiction's opinion,

- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of a candidate that is active anywhere in that local jurisdiction that confusion is likely, or
- (b) the proposed name was the name of a registered third party whose registration was cancelled or whose name was changed since the last election.

(6) The following are not eligible to be registered in a register referred to in subsection (2)(a):

- (a) a corporation that does not carry on business in Alberta;
- (b) an individual who is not ordinarily resident in Alberta;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a group where any member of the group is ineligible under clause (a), (b) or (c);
- (e) a registered charity;
- (f) a prohibited corporation.

(7) A local jurisdiction shall, as soon as possible after receiving an application,

- (a) determine whether the requirements set out in this section are met,
- (b) notify the individuals who signed the application whether the applicant is accepted for registration, and
- (c) in the case of a refusal to register, give reasons for the refusal.

(8) When there is any change in the information required to be provided under this section, the registered third party shall notify any local jurisdiction with which it is registered in writing within 30 days after the alteration and, subject to section 164, on receipt of the notice a local jurisdiction shall vary the register of third parties accordingly.

(9) A notice under subsection (8) may be sent by fax or e-mail.

2018 c23 s56

Cancellation of registration

164(1) The local jurisdiction may cancel the registration of a registered third party on application by the third party.

(2) If the chief financial officer of a third party fails to file a report under section 180 or 181, an election advertising return or a report under section 182, the local jurisdiction may cancel the registration of the third party.

(3) When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 183.

(4) If the registration of a third party is cancelled in accordance with this section, the third party shall

- (a) if the third party received advertising contributions for the purpose of political advertising prior to the cancellation, file a report in accordance with section 181 for the year in which the advertising contributions were received, and,
- (b) if the third party received advertising contributions for the purpose of election advertising or incurred election advertising expenses prior to the cancellation, file a report in accordance with section 180 and a return in accordance with section 182 for the general election, by-election or vote on the question or bylaw to which the advertising contributions or election advertising expenses, as applicable, relate.

2018 c23 s56

Election advertising expense limit

165(1) During an election advertising period, no registered third party shall incur election advertising expenses that exceed, in the aggregate, the amounts determined by the regulations.

(2) A third party shall not circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by splitting itself into 2 or more third parties for the purpose of circumventing a limit or acting in collusion with another third party so that their combined election advertising expenses exceed a limit.

(3) For greater certainty, for the purposes of this section, if election advertising is transmitted during an election advertising period, the expense incurred for that advertising is considered to be an election advertising expense, regardless of when it was incurred.

(4) The chief financial officer of a registered third party shall prepare an election advertising expense limit report for the purposes of a return required to be filed under section 182 relating

to third party advertising expenses in relation to election advertising.

2018 c23 s56

Collusion

166(1) A registered third party shall not circumvent, or attempt to circumvent, a contribution limit or an expense limit set out in Part 5.1 or an expense limit set out in this Part by colluding with a candidate.

(2) A candidate shall not collude with a third party to circumvent, or attempt to circumvent, a contribution limit or an expense limit set out in Part 5.1 or an expense limit set out in this Part.

2018 c23 s56

Restrictions on advertising contributions and expenses

167(1) Subject to subsections (3) and (4), no advertising contribution shall be made by an individual, a corporation, a trade union or an employee organization to a third party or used to incur election advertising or political advertising expenses unless

- (a) the third party to whom the advertising contribution is made is registered under section 163, or
- (b) the third party is not required to be registered under section 163.

(2) No third party required to be registered under section 163 and no individual acting for a third party required to be registered under section 163 shall accept advertising contributions or incur advertising expenses unless the third party is registered under section 163.

(3) The following shall not make an election advertising contribution:

- (a) an individual ordinarily resident outside Alberta;
- (b) a prohibited corporation;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a registered charity;
- (e) a group of which any member of the group is ineligible under clause (a), (b) or (c).

(4) A third party shall not incur election advertising expenses in a total amount of \$1000 or more if the third party is not eligible to be registered under section 163.

(5) No third party shall, directly or indirectly, accept an election advertising contribution if the third party knows or ought to know that the contribution is made by an individual, organization or group referred to in subsection (3).

(6) If the chief financial officer of a third party learns that an advertising contribution was accepted in contravention of this section, the chief financial officer shall, within 30 days after learning of the contravention, advise the local jurisdiction in writing of the fact and circumstances and return the contribution in accordance with the directions of the local jurisdiction.

2018 c23 s56

Payments made by third party

168 Any money paid by a third party from its own funds

- (a) for election advertising is an advertising contribution of the third party for the purposes of this Part, and
- (b) for political advertising is a political advertising contribution of the third party for the purposes of this Part.

2018 c23 s56

Deposit of advertising contributions

169(1) Advertising contributions for election advertising or political advertising accepted by or on behalf of a registered third party shall be paid into the appropriate advertising account.

(2) When any advertising contribution, other than money, accepted by or on behalf of a registered third party is converted at any time into money, that amount shall be paid into the appropriate advertising account.

2018 c23 s56

Additional rules for groups

170 The following rules apply where a group wishes to make an advertising contribution to a third party or wishes to use funds collected to pay for advertising expenses:

- (a) an advertising contribution from funds collected from a group's members may be attributed to its members only if
 - (i) the amounts paid by its members were made on a voluntary basis,

- (ii) it was made explicit that the amounts being collected were for election advertising or for political advertising, and
- (iii) the names of the members who made the payments, and the amounts they each paid, are recorded by the group and, if applicable, provided to the third party;
- (b) a group other than a trade union or employee organization may make advertising contributions only from funds collected from its members in accordance with clause (a);
- (c) advertising contributions by a trade union or employee organization from funds collected from its members but not in accordance with clause (a) are deemed to be advertising contributions of the trade union or employee organization and cannot be attributed to its members;
- (d) amounts making up advertising contributions that are attributed to members under clause (a) are advertising contributions of those members for the purposes of this Part.

2018 c23 s56

Valuing contributions other than money

171(1) The value of advertising contributions, other than money, provided to a third party is the market value of the advertising contributions at that time.

(2) If any real property, goods or services or the use of real property, goods or services is provided to a third party for a price that is less than the market value at that time, the amount by which the value exceeds the price is an advertising contribution for the purposes of this Part.

2018 c23 s56

Fund-raising functions

172(1) In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 163 by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the chief financial officer of the third party that held the function or on whose behalf the function was held.

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the advertising contribution is to be determined under clause (a) or under clause (b), at the option of the third party:

- (a) if the individual charge
 - (i) is \$50 or less, it is not considered to be an advertising contribution unless the individual who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be an advertising contribution,
 - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be an advertising contribution, and
 - (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be an advertising contribution;
- (b) the amount of the advertising contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

(4) The price paid by an individual at a fund-raising function in excess of the market value at that time for goods or services received is considered to be an advertising contribution to the third party.

(5) This section does not apply to a fund-raising function for purposes unrelated to election advertising or political advertising.

2018 c23 s56

Advertising contributions less than \$50

173(1) When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the individuals in attendance at the meeting, individual amounts given of \$50 or less shall not be considered to be advertising contributions, but the chief financial officer of the third party shall record the aggregate amount received.

(2) Subsection (1) does not apply to funds raised for or on behalf of a third party for purposes unrelated to election advertising or political advertising.

2018 c23 s56

Loans

174(1) A third party

- (a) may borrow money only from a financial institution, and
- (b) shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.

(2) Any payment in respect of a loan to which subsection (1) applies is considered an advertising contribution by the individual, corporation or group that made the payment unless that individual, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the applicable advertising report or return next required to be filed pursuant to section 181 or 182.

(3) This section does not apply to the borrowing of money by a third party for purposes unrelated to election advertising or political advertising.

2018 c23 s56

**Anonymous contributions and
unauthorized contributions**

175(1) Any anonymous advertising contribution in excess of \$50 and any advertising contribution or portion of a contribution made in contravention of this Part accepted by a registered third party must not be used or expended, and the registered third party

- (a) shall return the advertising contribution or the portion, as the case may be, to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall pay an amount equivalent to the advertising contribution to the relevant local jurisdiction.

(2) Any amounts received by the local jurisdiction under subsection (1)(b) must be paid into the local jurisdiction's general revenue.

2018 c23 s56

Contributions not belonging to contributor

176(1) No individual, corporation, group, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 163 funds not actually belonging to that individual, corporation, group, trade union or employee organization, or any funds that have been given or furnished to the individual, corporation, group, trade union or employee organization by any group or by a corporation, trade union or employee organization for the purpose of making an advertising contribution of those funds to the third party that is registered or is required to be registered under section 163.

(2) No third party that is registered or is required to be registered under section 163 and no individual on its behalf shall solicit or accept any advertising contribution if the third party or individual knows or ought to know that the contribution is contrary to subsection (1).

(3) If the chief financial officer learns that an advertising contribution received by or on behalf of the third party that is registered or is required to be registered for whom the chief financial officer acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning of it, advise the local jurisdiction in writing of the fact and circumstances and return the advertising contribution in accordance with the directions of the local jurisdiction.

2018 c23 s56

Receipts

177 A third party shall issue receipts in the form and manner approved by the local jurisdiction for every advertising contribution accepted by the third party.

2018 c23 s56

Third party advertising expenses

178(1) All election advertising expenses or political advertising expenses, as the case may be, must be paid from the third party's applicable advertising account.

(2) Every registered third party shall appoint a chief financial officer.

(3) Every election advertising expense or political advertising expense that is incurred by or on behalf of a registered third party must be authorized by its chief financial officer.

(4) No advertising contribution shall be accepted by a registered third party otherwise than through the third party's chief financial officer.

(5) The chief financial officer may delegate a function described in subsection (3) or (4) to another individual, but the delegation does not limit the chief financial officer's responsibility.

(6) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts

- (a) from its election advertising account to the election advertising accounts of other registered third parties,
- (b) from its political advertising account to the political advertising accounts of other registered third parties,
- (c) from its election advertising account to its political advertising account, or
- (d) from its election advertising account to the political advertising accounts of other registered third parties,

and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.

(7) Funds held in a political advertising account shall not

- (a) be transferred to the third party's election advertising account, if the third party has such an account, or
- (b) to the election advertising account of another third party.

(8) All election advertising expenses or political advertising expenses paid for by a third party from its advertising account must be recorded in its advertising report.

2018 c23 s56

Identification of third parties

179(1) A third party, or an individual acting on a third party's behalf, must ensure that election advertising or political advertising sponsored by the third party complies with the following in accordance with the guidelines of the Minister:

- (a) the election advertising and political advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising or political advertising;
- (b) subject to clause (c), in the case of election advertising or political advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising or political advertising;
- (c) in the case of election advertising or political advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
 - (i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,
 - (ii) the name of the third party must be stated at the beginning of the election advertising or political advertising,
 - (iii) the election advertising or political advertising must state whether the third party authorizes the election advertising or political advertising, and

- (iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising or political advertising.

(2) The Minister shall establish guidelines respecting the requirements referred to in subsection (1).

(3) The guidelines established under subsection (2) must be published on the Minister's department's website.

(4) If election advertising or political advertising is not in compliance with this section, the local jurisdiction may cause it to be removed or discontinued, and in the case of election advertising or political advertising displayed on a sign, poster or other similar format, no person acting on behalf of the local jurisdiction is liable for trespass or damage resulting from or occasioned by the removal.

2018 c23 s56

Disclosure of contributions for election advertising

180(1) This section applies only to advertising contributions provided for the purpose of election advertising.

(2) In addition to the report referred to in section 182, every registered third party who engages in election advertising shall file with the local jurisdiction, in the prescribed form, on or before March 1 in the year following a general election or, in the case of a by-election or a vote on a question or bylaw, within 120 days after the by-election or the vote on the question or bylaw, a report about advertising contributions received during the election advertising period, setting out

- (a) the total amount of all advertising contributions received during the election advertising period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during the election advertising period totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

2018 c23 s56

Disclosure of contributions for political advertising

181(1) This section applies only to advertising contributions provided for the purpose of political advertising.

(2) The chief financial officer of a registered third party shall, on or before December 31 of each year, file an annual report in the

prescribed form respecting advertising contributions received in respect of political advertising for that year.

(3) The report referred to in subsection (2) must set out

- (a) the total amount of all advertising contributions received during the year that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during the year totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

2018 c23 s56

Third party election advertising return

182(1) Subject to subsection (2), on or before March 1 in the year after a general election, or, in the case of a by-election or a vote on a question or bylaw, within 120 days after the by-election or the vote on the question or bylaw, the chief financial officer of a third party who is registered under section 163 shall file with the local jurisdiction a third party election advertising return, which must include

- (a) a financial statement,
- (b) a list of all advertising contributions received during the election advertising period,
- (c) an election advertising spending limit report referred to in section 165(4),
- (d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate, and
- (e) any supporting information and documents relating to the election advertising return.

(2) If a registered third party has not incurred election advertising expenses, that fact shall be indicated in its election advertising return.

(3) For the purposes of subsection (1)(b), the list of contributions received shall set out, for each contributor who made election advertising contributions totalling more than \$250, the contributor's name and address and the amount and date of each advertising contribution.

(4) A chief financial officer shall, at the request of the local jurisdiction, provide the original of any bill, voucher or receipt for an election advertising expense of more than \$50.

(5) The Minister may issue guidelines relating to the preparation and contents of the election advertising return referred to in this section and shall publish any guidelines on the Minister's department's website.

2018 c23 s56

Disposition of advertising account funds

183(1) Subject to subsection (2), any funds held by a registered third party in its election advertising account with respect to an election advertising period shall continue to be held in the election advertising account to be expended for election advertising during a subsequent election advertising period.

(2) If a registered third party decides not to expend funds for election advertising during the next election advertising period for a general election or does not engage in election advertising during the next election advertising period for a general election, the registered third party shall, within 6 months after that period, deal with the funds remaining in the election advertising account in accordance with subsection (4).

(3) If a registered third party decides not to engage in political advertising, the registered third party shall deal with the funds remaining in its political advertising account in accordance with subsection (4) by the time the report for the next year is required to be filed, as referred to in section 181.

(4) Funds remaining in the advertising accounts referred to in subsections (2) and (3) must be dealt with in one or more of the following ways:

- (a) by transferring the funds in accordance with section 178;
- (b) by donating the funds to a registered charity;
- (c) by returning the funds to the third party's contributors if they can be identified;
- (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the funds or that portion of the funds, as the case may be, to the local jurisdiction to become the property of the local jurisdiction.

(5) A registered third party to which subsection (2) or (3) applies shall notify the local jurisdiction of its decisions under this section

and shall apply to the local jurisdiction under section 164 to cancel its registration.

(6) The chief financial officer of a registered third party that has not dealt with the funds remaining in the respective advertising accounts referred to in subsection (2) or (3) shall file an election advertising return with the local jurisdiction on or before March 1 of each year until such time as the funds have been disposed of completely.

2018 c23 s56

Late filing fee

184(1) In this section, “filing deadline” means the day by which a report and return under this Part are required to be filed with a local jurisdiction.

(2) A third party that is required to file a report and return under this Part and fails to file that report or return by the filing deadline must pay a late filing fee of \$500 to the relevant local jurisdiction.

(3) A local jurisdiction shall not cancel the registration of the third party under section 164(2) if the report or return is filed no later than 30 days after the filing deadline.

(4) The third party and the chief financial officer of the third party are jointly and severally liable for payment of the fee referred to in subsection (2).

(5) If the late filing fee is not paid within 30 days after the date the fee was payable, a local jurisdiction shall send a notice to the third party and the chief financial officer referred to in subsection (4) indicating the amount of the late filing fee that is required to be paid.

(6) If the third party and the chief financial officer who are sent notices by a local jurisdiction under subsection (5) fail to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice with the clerk of the Court of Queen’s Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2018 c23 s56

Records

185 A registered third party shall retain all of the records of that registered third party for a period of 3 years following the date on which the financial statements, returns or reports required under this Act for the period to which the records relate are required to be filed.

2018 c23 s56

Prosecution

186 A prosecution under this Part may be commenced within 3 years of the commission of the alleged offence but not afterwards.

2018 c23 s56

Third party election advertising offences

187 A third party that contravenes a provision of this Part is guilty of an offence and liable to a fine not exceeding

- (a) \$10 000 if the third party is an individual;
- (b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.

2018 c23 s56

Regulations

188 The Minister may make regulations determining election advertising expense limits for the purpose of section 165.

2018 c23 s56

Transitional — third parties

189(1) In this section, “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

(2) If a third party or a person acting on behalf of a third party receives a contribution from a prohibited organization, trade union or employee organization on or after the date the Bill receives first reading but before the date it receives Royal Assent, the third party, no later than 30 days after the Bill receives Royal Assent, shall

- (a) return the contribution to the contributor if the contributor’s identity can be established, or
- (b) if the contributor’s identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.

(3) A third party shall apply for registration in accordance with section 163 within 30 days of the coming into force of that section if, on or after the date the Bill receives first reading but before the date it receives Royal Assent, the third party

- (a) incurs expenses of at least \$1000 for election advertising or political advertising, or
- (b) accepts advertising contributions of at least \$1000.

(4) If a third party or a person acting on behalf of a third party accepts advertising contributions for election advertising or

political advertising or converts an advertising contribution for election advertising or political advertising into money on or after the date the Bill receives first reading but before the date it receives Royal Assent, the contributions shall be paid into the appropriate advertising account within 30 days of the coming into force of section 163.


(5) If a third party or a person acting on behalf of a third party receives advertising contributions for election advertising or political advertising of at least \$1000 on or after the date the Bill receives first reading but before the date the Bill receives Royal Assent, the third party shall report the contributions in accordance with sections 180, 181 and 182, as applicable.

(6) A third party who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s56

(NOTE: Section 189 is deemed to have come into force on November 5, 2018.)



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STAFF REPORT

Title: Minister of Environment and Climate Change - Response

Meeting Date: March 19, 2019

Executive Summary:

The City of Cold Lake has received the attached response from the Honourable Catherine McKenna, Minister of Environment and Climate Change, following its letter dated November 28, 2019 (also attached).

The City's letter outlined concerns over the current downturn in Alberta's energy sector, the lack of investment in the oil patch, stalled and scaled-back energy projects, a perceived slump in confidence in the energy sector and the ongoing criticism that Bill C-69 could make matters worse for the sector.

The Minister's response maintains that the adoption of 135 amendments to the Bill in the House of Commons has provided clarity surrounding many of the timelines and the approval processes the legislation proposes to put into place. The Minister's provides a link containing additional information on the bill, which can also be used to follow Bill C-69's progress through the Senate, where it currently sits for review.

Background:

Bill C-69 is entitled An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

The Government of Canada introduced Bill C-69 into the House of Commons on February 8, 2018. The bill passed third reading in the house on May 11, 2018 and was subsequently introduced into the Senate where it passed its first reading the same day. The Government of Canada has stated that the goal of Bill C-69 is to introduce a higher degree of certainty and predictability in the environmental review process, however, this is being contradicted by a number of industry groups and the Government of Alberta.

Bill C-69 is being criticised by the Government of Alberta. The Honourable Rachel Notley has spoken out about the negative effects the proposed legislation could have, both at official forums in Ottawa and informally, calling on the Prime Minister to take action to ensure Alberta's Energy Sector would not be negatively impacted should the legislation come into force.



The bill introduces a new set of timelines for energy projects, replaces the National Energy Board with the Canadian Energy Regulator (CER), creates the Impact Assessment Agency of Canada, and widens the scope of impact assessments to include health, socio-economic factors, and impacts on "sustainability." The new legislation would double the number of impact assessment factors that must be considered from 10 to 20, and increase the number of interveners who can object to a project.

Among the criticisms of the legislation is that it is unknown how the impact assessment factors will be applied and whether these will result in an increase to the length and complexity of the approval process. Much of the uncertainty is centred on the lack of regulations that will guide the implementation of the bill, as well as the lack of a project list although, under the new legislation, a ministerial order would be able to bring any new project within the scope of the new assessment process.

While the bill puts in place maximum timelines for certain phases of the assessment (a maximum of 180 days for early planning, then either a maximum of 300 days for assessment by the agency or 600 days for assessment by a review panel), the minister will be able to "stop the clock" on these timelines based on criteria that will be outlined in the regulations. The fear from some quarters is that the regulations will essentially allow this process to be extended indefinitely.

According to the Government's website, key changes include:

- The minister of Environment and Climate Change could make companies aware if a project will likely have unacceptable negative impacts, allowing them to decide earlier in the process if they wanted to proceed or make changes to their plans.
- Provide for an early planning phase that will result in:
 - Tailored Impact Statement Guidelines that are scoped to reflect factors relevant to the specific project;
 - a Cooperation Plan;
 - an Indigenous Engagement and Partnership Plan;
 - a Public Participation Plan; and
 - a Permitting Plan (if warranted).
- The Canadian Environmental Assessment Agency would become the Impact Assessment Agency of Canada. It would work collaboratively with life-cycle regulators, such as the Canadian Energy Regulator, the Canadian Nuclear Safety Commission and offshore boards.
- The Agency would coordinate with provinces and territories to advance our commitment to one project, one review.
- Project reviews would consider not just impacts on our **environment**, but also on **social** and **health** aspects, Indigenous peoples, jobs and the economy over the long-term. We will also conduct gender-based analysis.



- Clarify that Indigenous knowledge would be considered and not limited to “traditional” knowledge, but include the evolving knowledge of Indigenous peoples.
- Require transparency about how Indigenous knowledge is used in impact assessments, as well as regional and strategic assessments. Assessment reports would need to describe how Indigenous knowledge was taken into account.
- Provide strong protection for the confidentiality of Indigenous knowledge.
- Strengthen the protection of Indigenous knowledge across all Acts:
 - Consultation would be required before Indigenous knowledge could be disclosed; and
 - Ministers would be able to place conditions on its disclosure in light of the consultation.
- Require that the decision to refer a project to a panel consider the impact on Indigenous rights.
- Clarify that Indigenous members on key committees under the proposed Impact Assessment Act and Canadian Energy Regulator Act would be distinction-based and include members who represent the interests of First Nations, Métis and Inuit peoples.
- Make it mandatory for the proposed Canadian Energy Regulator to establish an Indigenous Advisory Committee

According to the Canadian Energy Pipeline Association's March 2018 submission to government:

The Impact Assessment Act does not address the pipeline sector's most fundamental concern – that of the unacceptably high financial risks associated with lengthy, costly reviews that trigger polarization within the process itself and political decisions at the very end.

Bill C-69 does not adequately address the need to find an appropriate venue to debate and resolve broader public policy issues. The Bill is flavoured throughout with the government's commitment to meeting climate change objectives, gender-based analysis, Indigenous reconciliation, and subjective and inherently unpredictable sustainability tests. Despite CEPA's very strong recommendation to remove broader public policy from project specific reviews, these issues are now explicitly included in the review process as factors to consider.

The Impact Assessment Act will not achieve greater certainty, clarity, and predictability. Instead, it introduces a new regulatory agency and unique new processes and information requirements that have never been tested. The public participation standing tests have been removed. Science and fact-based assessments will now be obscured by the layering of other policy based assessments that are ill defined, fluid and open to



potential routes for obfuscation of the process. We cannot see that timelines will improve; we expect them to be longer.

The Canadian Association of Petroleum Producers also releases a set of recommendations attached to this report.

The report has been generated only as a briefing note to Council. No action is being recommended at this time.

Alternatives:

- Council may pass a motion authorizing further correspondence with the Government of Canada surrounding concerns it may have over Bill C-69.

Recommended Action:

No action is being recommend at this time.

Budget Implications (Yes or No):

No.

Submitted by:

Kevin Nagoya, Chief Administrative Officer



Ottawa, Canada K1A 0H3

RECEIVED

FEB 19 2019

ccld-mayor, Council, CAO
CITY OF COLD LAKE *Y. Serba*

FEB 11 2019

His Worship Craig Copeland
Mayor of the City of Cold Lake
5513 – 48 Avenue
Cold Lake AB T9M 1A1

Dear Mr. Mayor:

Thank you for your correspondence of November 28, 2018, in which you provide views on the proposed Impact Assessment Act. I regret the delay in responding.

The House of Commons has concluded its review of Bill C-69. Based on feedback heard from Indigenous Peoples, industry stakeholders, and the broader public during meetings of the Standing Committee on Environment and Sustainable Development, as well as feedback from Parliamentarians and the Government, 135 amendments were made to the Bill. The amendments, many with unanimous support, add further clarity on the planning process, greater predictability, clarified timelines and transitional provisions, and better reflect the Government's commitment to reconciliation and to environmental protection.

The proposed Impact Assessment Act lays out an approach to impact assessment recognizing that the environment and the economy must work together to build a sustainable future. Our new approach will consider how proposed projects could affect not only our environment, but also economic, social and health impacts, as well as those on Indigenous Peoples, over the long-term.

The new Impact Assessment Agency of Canada would be responsible for leading impact assessments of designated projects. For reviews of major energy projects, the Agency will lead the integrated assessment of designated projects and work collaboratively with lifecycle regulators, like the Canadian Energy Regulator (CER), to draw upon their expertise and ensure safety and other key regulatory factors are considered as part of a single, integrated review. The single, integrated assessment for designated projects would be conducted through a panel review process and fulfill the requirements of all relevant Acts.

.../2



Under the proposed approach, impact assessments will be more predictable and timely, with greater clarity from the start through better planning and engagement, and increased opportunity for Indigenous engagement and partnership throughout the process. With the principle of "one project, one review," we will cooperate and coordinate with other jurisdictions to provide regulatory certainty to companies and avoid duplication in assessments of proposed projects.

Bill C-69 is currently before the Senate for review. I encourage you to visit <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=9630600> for more information and to stay up to date on the Parliamentary process. Further information on this review can also be found at Canada.ca/environmentalreviews.

Thank you for providing me with your views.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C McKenna', with a stylized flourish at the end.

The Honourable Catherine McKenna, P.C., M.P.



OFFICE OF THE MAYOR

November 28, 2018

Via email: Catherine.McKenna@parl.gc.ca

The Honourable Catherine McKenna, MP
Minister of Environment and Climate Change
Environment and Climate Change Canada
200 Sacré-Coeur Boulevard
Gatineau, QC
K1A 0H3

RE: Bill C-69

Catherine
Dear Minister McKenna,

I am writing to inform you of concerns felt in our community surrounding the impacts that Bill C-69 will have on the City of Cold Lake, the province of Alberta, and the Canadian economy, should it come into force.

For the past several years, our community has been devastated by a flagging economy and residents have been holding onto hope that at least one of several major energy projects planned in the region will go ahead with construction. It seems, however, that confidence in the government's ability to fairly regulate the approval process – including the pipelines required to transport the product to market safely – is at an all-time low.

Billions of dollars in energy projects in the Cold Lake Oil Sands are being shelved or significantly scaled back, and hope for an economic recovery in our region is failing.

Bill C-69 and the approval process it outlines have not alleviated these concerns. In fact, the concerns for future projects under this proposed approval regime are only growing. It seems that the government has not been able to convince investors that the new approval process will be able to manage Canada's lengthy, costly reviews, nor that will it isolate the approval process from political decisions.

.../2



OFFICE OF THE MAYOR

-2-

Our region and the industry upon which we rely are already reeling from the uncertainty felt in the market place. Uncertainty in the Government of Canada's commitment to fairly regulate energy approvals, complied by unfulfilled promises and unseen results regarding other pipeline projects, have served only to starve our hopes for a return to prosperity.

The energy industry fuels our economy, brings great benefit to Alberta, and carries positive impacts felt across our nation. It is my hope that the Canadian Government can find a solution to revitalize, rather than stifle, Canada's energy industry. Bill C-69 in its present form is not that solution.

Best regards,

Craig Copeland
Mayor, City of Cold Lake

Cc: The Right Honourable Justin Trudeau, Prime Minister of Canada
Mr. David Yurdiga, Member of Parliament for Fort McMurray-Cold Lake
The Honourable Shannon Phillips, Minister of Environment and Parks
Mr. Ed Fast, Member of Parliament for Abbotsford and
Shadow Minister of Environment and Climate Change
Mr. Kevin Nagoya, CAO
Council



STAFF REPORT

Title: Coalition of Canadian Municipalities for Energy Action

Meeting Date: March 19, 2019

Executive Summary:

Further to a meeting with regional stakeholders on March 11, 2019, His Worship Mayor Copeland will provide a verbal update to the Coalition of Canadian Municipalities for Energy Action.

Background:

N/A

Alternatives:

No alternatives are being presented at this time. This report is only intended to provide an update to Council to the initiative.

Recommended Action:

N/A

Budget Implications (Yes or No):

None.

Submitted by:

Kevin Nagoya, Chief Administrative Officer

March 11th, 2019

Re: Invitation to Join the Coalition of Canadian Municipalities for Energy Action

Dear fellow municipal leaders,

We are writing today as an engaged coalition of individual municipalities who are engaging the federal government and broader public to discuss our unique municipal concerns with Bill C-69, *'An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts'*.

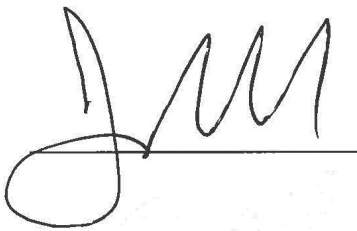
As municipal leaders, we are concerned with the impacts this legislation may have on our own communities; local business, families, and workers. We are bringing this message to the federal government in the Senate, House of Commons, and political leaders to ensure that our reasoned voice on this issue is heard. We strongly feel it important that we as municipalities, who are on the front line in working with the public, speak up about what impacts may be felt locally if this legislation is passed in its current form, including unintended consequences.

In view of this, a number of concerned municipalities in Canada have come together to form the Coalition of Canadian Municipalities for Energy Action. While there are other stakeholders currently involved on this issue, we feel it vital that we as independent municipalities can bring our own voice forward on this issue, focused solely on discussing C-69 and its impact on our local municipalities.

We are planning on widening on ongoing grassroots campaign to deliver our concerns to decision-makers in Ottawa over the coming weeks and months. There are a number of avenues through which this will occur, and opportunities for our coalition of municipalities to be involved and let their constituents know they are engaged on this issue.

We invite your municipality to consider joining this coalition. Current coalition members have agreed to each contribute a fee of \$1,000 to help offset costs; please consider joining the coalition to help send a message to Ottawa on C-69 on behalf of your constituents. Attached is an outline of our ongoing and planned efforts that you would be joining.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Gene Sobolewski', written over a horizontal line.

Gene Sobolewski
Mayor, Bonnyville

Coalition of Canadian Municipalities for Energy Action – An Overview

The coalition is purely representative of local municipalities in Canada that want to raise their legitimate concerns around potential impacts of Bill C-69 in their regions. The Coalition has partnered with Municipal Advocacy Solutions (part of national advocacy firm Impact Public Affairs), to coordinate our efforts and maximize our visibility with decision-makers and the public. More information on Municipal Advocacy Solutions can be found here: www.municipaladvocacysolutions.ca

As part of our current efforts, the coalition is planning to:

- Appear before the Senate Committee on Energy, the Environment, and Natural Resources and outline our unique concerns
- Develop Media engagement locally and in Ottawa to get our message out
- Create an online website and contact widget to outline and amplify our message

By joining this coalition, you and your municipality will benefit with:

- Inclusion in our campaign focused solely around C-69 and its impacts on local municipalities
- Addition of your municipality branding on our engagement's documents, website, and other materials
- Access to briefing materials and key messaging on this issue
- Participation in ongoing political action updates
- Ability to take part in an Advocacy Day in Ottawa to meet with political leaders and amplify our message
- Potential to coordinate local appearances before the Senate committee on Energy as it travels across Canada
- Ability to engage with local and regional media as well as the coalition's national media engagement, including access to media briefing materials and engagement support

If you are interested in joining the coalition or would like to discuss these efforts further, please **contact Christian von Donat at Municipal Advocacy Solutions:**

Email: Christian@impactcanada.com

Office: 613-317-2850

Cell: 613-408-0498

