



## REGULAR COUNCIL MEETING

Friday, February 19, 2021 at 1:30pm

Location: In Accordance with Meeting Procedures (COVID-19 Suppression) Regulation, O.C. 099/2020, this meeting will be conducted and attended solely by electronic means

Please contact Abe Tinney: [admin@id4waterton.ca](mailto:admin@id4waterton.ca) if you wish to attend electronically

### **Special Council Meeting Agenda**

Those in Attendance: Chair Jody Thaeil; Councillors Tim Lauscher, Brian Baker, Ken Black, Barney Reeves  
Administration: CAO Abe Tinney

- 1) Call Special Council Meeting to Order
- 2) Adoption of Agenda
- 3) Items for Discussion – 2021 Election
  - A) Appointment of Returning Officer
  - B) Set Nomination Day, Time and Location
    - I. Election Day
  - C) MINISTERIAL ORDER NO. MSD:002/21 Review
    - I. Eligibility to Vote
    - II. Candidate Eligibility
  - D) Candidate and Voting Eligibility Discussion
    - I. MGA s304(1)(c) Recording Assessed Person
    - II. Proxy/Designated Voter or Candidate
- 4) Next Meeting – (Friday March 19, 2021) at 1:30 pm.
- 5) Adjournment

### 3a) Appointment of Returning Officer

#### Legislation:

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.

**Motion:** MOVED that I.D. 4 Council appoint CAO Abe Tinney as the returning officer for the 2021 general election.

### 3b) Set Nomination Day, Time, Location

#### Legislation:

##### **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 4 weeks after the day established by council for the receipt of nominations for that election, and

(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), (1.1) and (1.2) do not apply.

The most important decision here regards when you want to set election day. You have until the end of August to hold the election. Pushing the election date back as far as possible gives us more time to drum up interest. However, maximum visitation in Waterton is always going to be during a long weekend. In August, the stat holiday is August 2<sup>nd</sup>, which places election day Saturday July 31. I would avoid holding the election on Monday August 2<sup>nd</sup> because we will likely lose some voters as the weekend draws to a close – Council can make this decision, however.

A motion from Council is required to set the date, time and location for receiving nominations. Here are a couple options:

**MOVED** by Councillor X that nominations for the 2021 general election be received at the Waterton Community Centre, from 10:00am – 12:00pm on Saturday July 3<sup>rd</sup>, 2021.

This motion will place election day on Saturday July 31<sup>st</sup>.

Or, if Council would like to push the election back as far as possible,

**MOVED** by Councillor X that nominations for the 2021 general election be received at the Waterton Community Centre, from 10:00am – 12:00pm on Saturday July 31<sup>st</sup>, 2021.

This motion will place election day on Saturday August 28<sup>th</sup>.

### 3(c)(i) **Ministerial Order: Eligibility to Vote**

Eligibility to vote is as follows:

- 12(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 ***named as the assessed person for a property*** within ID No. 4, or
  - (iii) the person is 18, a Canadian citizen and the spouse or adult interdependent partner of a person referred to in sub clause (ii).

This is meant to allow assessed persons who resides elsewhere to vote in the election.

People in I.D. 4 who do not appear on a lease are also eligible to vote, if the following criteria are met:

Section 47(1) is deleted and replaced with: 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,
- (c) resides in Alberta on Election Day, and
- (d) ***the person's place of residence has been within the ID for a cumulative total of 150 days in the twelve consecutive months preceding election day.***

This legislation is from the Ministerial Order, which modifies section 12(b) of the Local Authorities Election Act Summer Village voter eligibility by changing eligibility from the person names on title to person named on the assessment.

### 3(c)(ii) **Ministerial Order: Candidate Eligibility**

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~~

**21(1)(b) has resided in Alberta for the six consecutive months immediately preceding nomination day.**

(c) is not otherwise ineligible or disqualified.

### 3(d) **Candidate and Voting Eligibility Discussion**

The average age of leaseholders (and assessed persons) in Waterton is increasing, and with each new election, we are concerned that fewer people are interested or able to vote or run for office.

For many, leasing property and owning a cabin in Waterton is generational. Many of the of the current leaseholders (assessed persons) are only on the lease because it secures or protects their rates with Parks Canada. Indeed, since 2000, rent is at a protected rate if the names on the leases never change. Adding new names to a lease or changing a lease will result in a four-fold increase in rent.

The result is older generations are holding the lease but no longer have an interest in Waterton. Rather, the younger generation actively maintains the cabins and visits Waterton. As leaseholders get older and travel to Waterton less frequently there are fewer people to run for office and vote in the general election. We believe that there is interest from the younger generation of cabin owners, but they are prevented from running for office due to the combined effects of the potential of skyrocketing lease increases and the existing legislation that prevents them from participating in municipal election processes. This is a significant concern for the current I.D. 4 council. Indeed, I.D. 4 has had acclaimed elections, spanning decades, and the last election we required two nomination days to achieve the required five nominations.

### **Solution #1 Clarification – MGA s304(1)(c) Recording Assessed Person**

#### **Recording assessed persons**

**304(1)** The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

Column 1

Column 2

- |  |  |
|--|--|
| <p>(c) a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;</p> | <p>(c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;</p> |
|--|--|

I.D. 4 administration has asked municipal affairs legal to investigate this legislation to see if it will apply to I.D. 4 and resolve our concerns. It looks like the lease holder can name an alternate to be the assessed person. If municipal affairs legal will not look at this (I have been told there are very few items they will investigate for municipalities), I.D. 4 council might want to seek a its own legal opinion. This would cost several thousand dollars but would be well worth it if it provided us with a solution.

**Solution #2 Proxy/Designated Voter or Candidate** – request that MA provide legislation that allows leaseholders the ability to name a designate for voting and candidacy. People in the I.D. had this ability in the past.