

Recommendations on Implementation of Bill 50 Changes



Submitted to Alberta Municipal Affairs

August 26, 2025

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Background

This report represents Alberta Municipalities (ABmunis) response to Municipal Affairs' August 15, 2025 discussion guide questions on potential considerations to implement changes to the *Municipal Government Act* made by Bill 50, the *Municipal Affairs Statutes Amendment Act, 2025* regarding proposals to:

- Require the CAO to report to council on the use of natural person powers.
- Set standard procedures for councils to manage conflict in council meetings.
- Improve rules for managing information requests by councillors.

Natural Person Powers

Background from Municipal Affairs

The 2025 MGA amendments initially required CAOs to provide notice, in writing and to council, within 72 hours of exercising any Natural Person Powers. Based on feedback from municipal stakeholders, this section was amended to remove the reference to 72 hours, establish regulation making authority, and delay these sections coming into force until proclamation to ensure sufficient time to put clear rules in place.

A potential policy approach is to create a very limited scope of CAO use of Natural Person Powers that would need to be reported. Issues that would **not** need to be reported to council are matters that are:

- Authorities contained in the CAO bylaw,
- Addressed in the emergency management bylaw,
- Previously approved by council in the budget, and
- Human resources matters, including seeking legal advice regarding personnel issues.

1.1. Would this scope ensure that only significant, “out of the norm” actions are reported to council?

ABmunis remains concerned that the proposal to mandate CAO reporting on the use of natural person powers opens the door for red tape and inefficient use of government workers' time. It may be time-consuming for municipal administrators to continually cross-reference the details of the CAO bylaw and emergency management bylaw and annual budget to determine if the exact situation they are facing is required to be reported to council within the timelines that are prescribed in the regulation. This is an inefficient use of time, particularly if the matter is of little importance or relevance to council's role in governance.

The term 'natural person powers' is not well understood and generally requires legal advice as to whether an action by the municipality is a use of natural person powers. Administrators that are new to the municipal sector will not understand if an action by the municipality is a use of natural person powers and may then feel the need to go through the extra effort of reporting a matter to council regardless of its importance, just to avoid breaking the law.

ABmunis recommends that:

The province repeal this provision from the MGA and maintain the status quo by deferring to the authority of councils to determine the expected scope and timeliness of reporting of their CAO. This would then be managed through any policies or agreements that relate to the performance of the CAO such as the CAO bylaw, employment contract, or performance plan instead of legislation that applies to every CAO and council.

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Alternative Option

If the Government of Alberta is committed to legislating irregular situations where the CAO must report to council, ABmunis would recommend excluding matters where the CAO/administration has authority based on any council approved policy or bylaw, not just the CAO bylaw and emergency management bylaw.

To help strengthen the relationship between CAOs and councils, ABmunis and the Rural Municipalities of Alberta are collaborating to develop resources for municipalities. This includes:

- A guide on best practices for CAO-council relationships.
- Launch a new course through the Elected Officials Education Program focused on Council's Role in the Employment of the CAO.

1.2. Given the scope, would reporting of such uses of Natural Person Powers within 72 hours be attainable? Why or why not?

In larger municipalities, the CAO may delegate the reporting function to other staff and it may be challenging to track every instance where natural person powers are used and where front-line staff may not recognize the time urgency to report those instances to council.

In smaller municipalities, the CAO may be the only office administrator where a 72-hour deadline may not be possible because the CAO works part time.

In addition, there are challenges with long weekends or circumstances where there are a variety of factors competing for the CAO's time such as higher priority issues, off-site events, or personal circumstances.

It may be challenging to determine what triggers the start of the 72 hours and would some councillors weaponize this against the CAO? For example, is it when the municipality has exercised those powers or when the CAO becomes aware of the use of those powers?

ABmunis recommends that:

If the province is committed to legislating reporting on the use of natural person powers, then councils should be required to pass a bylaw that prescribes the time period that the CAO must report to council to ensure the time period works based on their local circumstances.

1.3. Would it be practicable to allow written notice of Natural Person Power use to be given by electronic methods such as email? Why or why not?

Yes, but some municipalities may prefer other communication methods such as text or a written memo that is published in the council agenda for transparency for the public.

Councillor Information Requests

Background from Municipal Affairs

The 2025 MGA amendments established that CAOs must share information with a councillor as soon as practicable once the information has been requested. If information is not shared due to personal privacy or confidentiality reasons, the reason for not sharing must be provided to all councillors. Information must be provided to all other councillors within 72 hours of the information being provided to the requesting councillor.

An approach to ensure guardrails are in place would be to delineate between information that is readily available within the administration, versus information that will require staff time to conduct research and analysis. Requests for new information that require significant staff time would need to be conducted through a council resolution.

2.1. Is it feasible to distinguish between ‘readily available’ and ‘new information’? Why or why not?

Yes, the policies used by some municipalities (e.g. City of Edmonton, City of Calgary, and City of Lethbridge) demonstrate that it’s feasible to distinguish when an information request exceeds a reasonable cost to the municipality and when that is triggered, that council is required to approve the information request before administration takes action. The cost of the information request can be measured based on the estimated time and/or direct costs for staff to research and analyze the issue and prepare the information for the councillor.

2.2. Do you have any additional thoughts or concerns about the approach?

Experience has shown that some councillors may regularly ask for information that can create a burden on municipal administration, without the support of the majority of council. Therefore, there is merit in requiring municipalities to pass a bylaw or policy that prescribes how information requests by a councillor are handled and when the request warrants approval by the majority of council.

This may include defining:

- The process to submit a request.
- What criteria will trigger the need for a councillor’s individual request for information to be approved by council.
- The period that administration has to complete the request or explain why a request cannot be met within the standard time period.

2.3. Should there be a requirement for a formal request for information by a council meeting resolution, decision of council, or request of council?

While some cities use a threshold of \$2,000 to determine when council must approve an information request, a lower amount would be more appropriate for smaller municipalities.

ABmunis recommends that:

That the MGA require municipalities to have a policy or bylaw for how councillor information requests are handled and that the policy/bylaw should define when a request needs to be approved by council. This ensures that the process works based on each municipality’s administrative capacity and each council’s expectations for how information requests by a councillor are handled.

Council Meeting Procedures

Background from Municipal Affairs

The MGA establishes that a council may, by bylaw, establish functions and procedures for council and council committee meetings. Many municipalities have opted to pass a meeting procedures bylaw because it establishes processes and clarifies expectations for council, administration, and the public. Items typically seen in municipal procedural bylaws include procedural rules, committee membership, public hearings, quorum, absences, and electronic meetings.

Recent amendments to the MGA allow the Minister of Municipal Affairs to establish standard meeting procedures through Ministerial Order. A policy approach would be to only establish procedures to affirm the authority of the chair to deal with councillor behaviour within a council meeting.

3.1. Could adding responsibility for the mayor/reeve to ensure meeting procedures are followed and in-meeting disputes are addressed help address councillor conflict? Why or why not?

It would be important to define if the special responsibilities will be specific to the mayor/reeve or apply to whoever is serving as the chair. In some cases, mayors or reeves are not the chair of each council committee and having additional authorities outside of being a member of the committee could create additional conflicts.

If the reference to mayor/reeve is to their role as chair, there are many existing best practices within parliamentary procedures that outline the role of the chair. Within Roberts Roles of Order, the chair is seen as a facilitator of discussion and decision-making process, not the sole decision maker. The core responsibilities of the chair include opening and closing meetings, announcing business, recognizing speakers, amongst many other responsibilities that ensure the fair, efficient and clear management of meetings.

A key part of this responsibility of the chair is to ensure procedures are followed, decorum is maintained, and in-meeting disputes and behaviour are managed according to the agreed to procedures. Chairs are regularly called on to rule on procedure. There is also usually a way for members to challenge these rulings, if a member of the assembly (council or committee) does not agree with the ruling, and ultimately it is up to the assembly to vote on whether to uphold the decision of the chair.

Currently there is the ability of each municipality to develop a procedures bylaw if they deem necessary, and this enables each municipality to develop procedures that reflect their unique needs, the size of their council, and past precedence built up over many years.

ABmunis recommends that:

Mandate that each municipality's procedural bylaw include:

- A procedure for the chair to manage in-meeting disputes, including the ability of the chair to rule on procedure (e.g., points of privilege, points of order, out of order motions, etc.), and
- The ability of the council or committee to appeal the chair's rulings if they deem necessary.

3.2. How should council meeting procedures address situations when the mayor/reeve is part of the conflict?

As noted above, often councils have existing procedural bylaws or apply parliamentary procedures such as Roberts Rules. There are common rules that enable council and/or committees to keep a balance between the power of the chair (mayor/reeve) and the members of council or committee as a whole. This includes the ability to challenge the ruling of the chair by the wider assembly which is important to ensure the chair is not overstepping in their role.

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The chair is meant to maintain impartiality and if there is a conflict of which the chair is a party to, the assembly can temporarily appoint a different member as the presiding officer and/or the chair can pass the role to another member for the duration of the item where there is a conflict.

ABmunis recommends that:

Municipal Affairs require that each municipality's procedural bylaw either defer to Robert's Rules of Order or include a procedure for when a chair is directly involved in an in-meeting conflict.

3.3. Should the meeting chair have the authority to eject a councillor from a meeting? If so, should this require a supermajority vote of council (a specified proportion of votes greater than a simple majority)?

There are existing options for how to manage the potential need to eject a member of council from a meeting if deemed necessary. Given the role of council and the elected nature of these roles, it is important to have clear steps to outline how to and why a member of council could be ejected. For example, it should not be for expressing an opinion that is different from others in the meeting, but amount to harassment or something more concerning and ejection should be considered only as a last resort. It is important if the chair has the power to eject a member of council, that the decision is appealable by the assembly. This would be in line with Roberts Rules ability to challenge or appeal the decision of the chair. Given the need to ensure this power is not overly used or abused, Municipal Affairs provide guidance on the limitations of when this power to eject members be used. Given that some councils can have as few as three members a supermajority should not be required in any appeal of the chair's ruling.

ABmunis recommends that:

Municipal Affairs require that each municipality's procedural bylaw include a procedure for managing the temporary ejection of a councillor when there is a serious breach of conduct that is threatening to members of council or the proceedings of council business. Municipal Affairs should ensure that this decision by the chair is able to be appealed by council or committee and provide clear guidance on when this power should be exercised by the chair.

3.4. Are there other elements that could be added to council meeting procedures to prevent, mitigate, or address councillor conflict?

Sometimes the issue is not the exact procedure, but rather the capacity of each council to manage conflicts. Rather than focusing on specific procedures, councils could benefit from training on general parliamentary procedures. This could demystify meeting procedures and clarify that even a motion such as appealing a ruling of the chair does not have to be combative but rather is another step in good governance.

Alberta's Elected Officials Education Program already offers a course on Effective Meetings. With financial support, the curriculum of this course could be updated to include additional guidance on managing conflicts. In addition, ABmunis would be open to working with Municipal Affairs and other municipal associations on a procedural bylaw guide to support municipalities in adopting practical and effective meeting procedures and practices.

3.5. Are there other common elements of meeting procedures which should be standardized across the province to reduce the potential for councilor conflict?

Rather than standardizing specific procedures it might be more effective to outline the requirement to have a procedural bylaw and what elements must be included in these bylaws. This would enable municipalities to have procedural rules that meet their needs based on the unique size of each council.

Experience has shown that conflict and misconduct take place inside and outside of council meetings and therefore, a procedural bylaw for how council meetings are run will only address part of the issue. We note that our recommendations are made based on the expectation that the Government of Alberta will follow

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through on its commitment to engage on the creation of an independent municipal ethics commissioner to assist councils to manage cases of serious misconduct by councillors.

Again, a guide that includes examples of best practices and lessons learned may be more effective at enhancing the capacity of municipalities to adopt effective procedural bylaws than overly prescriptive legislation that may not meet the needs of Alberta's diverse municipalities.

Final Thoughts

Timelines for Engagement

ABmunis strongly encourages Alberta Municipal Affairs to provide materials for engagements at least one week prior to any meetings.

For context, Municipal Affairs provided the discussion guide questions on a Friday afternoon for a meeting being held on the following Monday, giving less than 8 hours of regular office hour time for review on matters that will have a significant impact on the operations of all municipal governments. The discussion guide included questions that had not been previously considered by ABmunis and therefore offered minimal time for evaluation with members and subject matter experts.

ABmunis encourages Alberta Municipal Affairs to consider what processes or capacity challenges can be improved to provide adequate time for municipalities and partners to meaningfully participate in engagements and come to the table with valuable solutions.

Summary of Recommendations

Reporting on the Use of Natural Person Powers

1. That the province repeal this provision and maintain the status quo by deferring to the authority of councils to determine the expected scope and timeliness of reporting by their CAO.
2. If the province is committed to legislating reporting on the use of natural person powers, then ABmunis recommends that:
 - a. The province exclude reporting for matters where the CAO/administration has authority based on any council approved policy or bylaw, not just the CAO bylaw and emergency management bylaw. Matters that were approved in the budget and human resources matters should also be excluded from reporting by the CAO unless the CAO sees merit in communicating with council.
 - b. Each council should prescribe the time period that the CAO must report to council to ensure alignment with each municipality's administrative capacity and local context.
 - c. Each council should prescribe the form in which the CAO must report to council on the use of natural person powers (e.g. text, email, memo, etc.).

Councillor Information Requests

3. That the province require municipalities to have a policy or bylaw that defines:
 - a. How a councillor must submit an information request,
 - b. What criteria will trigger the need for a councillor's request for information to be approved by council, and
 - c. The time period that administration has to complete the request and the process for reporting to council when a request cannot be met within the standard time period.

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Council Meeting Procedures

4. If the province is committed to creating standardization across council meeting procedures, ABmunis recommends that Municipal Affairs require that procedure bylaws be created by each municipality and include specific types of procedures that must be included but not specify the procedures themselves.

The required procedures in the bylaw could include, but are not limited to:

- a. The role of the chair in managing an in-meeting conflict, including how the council or committee can appeal the ruling of the chair.
- b. When the chair must cede the chair to another member due to their involvement in an in-meeting conflict.
- c. If, when and how a member could be ejected from a meeting for misconduct, including that the chair's decision to eject a councillor be appealable by council, and provide clear guidance on the limited situations when this power should be used.



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