



**CITY OF EDMONTON**

**BYLAW 15254**

**DISCLOSURE BYLAW**

**(CONSOLIDATED ON JANUARY 29, 2014)**

**THE CITY OF EDMONTON**

**BYLAW 15254**

**DISCLOSURE BYLAW**

Whereas pursuant to section 171 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may by bylaw require that each councillor file a statement disclosing the names of the councillor's family, employers, corporate holdings and responsibilities, membership in a partnership or firm with a designated officer of the municipality for use by employees of the municipality;

And Whereas pursuant to section 147.3(i) and 147.3(j) of the *Local Authorities Election Act*, R.S.A. 2000, c.L-21, candidates for municipal office receiving anonymous campaign contributions or campaign contributions in contravention of the Act, must pay those funds to the municipality;

And Whereas pursuant to section 147.4(1) of the *Local Authorities Election Act*, candidates for municipal office must file a prescribed campaign disclosure statement with the municipality, on or before March 1 of the year following a general municipal election, or within 120 days following a municipal by-election;

And Whereas pursuant to section 147.4(3) of the *Local Authorities Election Act*, municipalities must make campaign disclosure statements filed with the municipality pursuant to section 147.4(1) publicly available during regular business hours;

And Whereas pursuant to sections 147.5(1) and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, candidates for municipal office must pay any surplus campaign contributions in excess of \$500, as shown on the campaign disclosure statement filed by the candidate pursuant to section 147.4(1), to the municipality on or before March 1 of the year following a municipal election, or within 120 days following a municipal by-election;

And Whereas pursuant to sections 147.6(1)(a) and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, candidates for municipal office must account for the campaign contributions held by them, including any surpluses from previous municipal elections, by filing a declaration in the prescribed form with the municipality, within three months of the date on which the *Local Authorities Election (Finance and Contribution Disclosure) Amendment Act*, S.A. 2009, c. 10 came into force;

And Whereas pursuant to sections 147.6(1)(b) and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, candidates for municipal election must pay all campaign contributions held by them, including any surpluses from previous elections, in excess of \$500, as shown on their prescribed declaration form, to the municipality within three months of the date on which the *Local Authorities Election (Finance and Contribution Disclosure) Amendment Act*, S.A. 2009, c. 10 came into force;

And Whereas pursuant to sections 147.5(2), 147.6(1)(b) and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, municipalities must receive from candidates campaign contributions and surpluses as set out therein, and must deposit those funds to a trust account in a financial institution;

And Whereas pursuant to sections 147.5(3), 147.6(2), and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, a municipality must refund the campaign funds paid to it to by a candidate, together with prescribed interest, when the candidate files nomination papers for the next general election or by-election;

And Whereas pursuant to sections 147.5(4), 147.6(2), and 147.92(1) of the *Local Authorities Election Act*, if a candidate does not file nomination papers for the next general election, the candidate may within six months after the date of that election, direct the municipality to pay that candidate's campaign funds together with interest payable on those funds at the prescribed rate, to a registered charity;

And Whereas pursuant to sections 147.5(5), 147.6(2) and 147.92(1) of the *Local Authorities Election Act*, after December 1, 2011, if a candidate does not file nomination papers for the next general election, or give the municipality directions to donate the candidate's campaign funds to a charity, the fund held in trust for the candidate by the municipality becomes the property of the municipality;

And Whereas pursuant to sections 147.8(1) and 147.7(1)(a) of the *Local Authorities Election Act*, if a candidate fails to file a campaign disclosure statement as required by section 147.4(1) within 30 days of the date on which it was due, the municipality's election Secretary must report that failure to Council, and Council must make that report public;

Edmonton City Council enacts:

## **PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**

- PURPOSE**                    1            The purpose of this bylaw is to:
- (a)     require councillors to file an annual disclosure statement with the municipality disclosing the names of people, corporations, or partnerships in which the councillor has an interest; and,
  - (b)     establish protocols for receipt and re-payment of candidate's campaign contributions and surpluses including any interest accrued thereon;
- DEFINITIONS**                2            In this bylaw, unless the context otherwise requires:
- (a)     “**Adult Interdependent Partner**” means the person with whom a councillor has resided in a relationship of interdependence:
    - (i)     for a continuous period of not less than 3 years;
    - (ii)    of some permanence, if there is a child of the relationship by birth or adoption; or
    - (iii)   a person who has entered into an adult interdependent partnership agreement pursuant to

the *Adult Interdependent Partnerships Act*, S.A. 2002, c. A-4.5;

- (b) “**Campaign Contribution**” has the meaning given to that phrase by the *Local Authorities Election Act*;
- (c) “**Campaign Funds**” means the amounts paid to the City by a Candidate pursuant to sections 147.5 and 147.6 of the *Local Authorities Election Act*, and prescribed interest payable by the City on those funds;
- (d) “**Candidate**” means a person nominated as a candidate for election as Councillor, or a person who intends to be nominated as a candidate for councillor, and who accepts campaign contributions or incurs campaign expenses as they are defined in the *Local Authorities Election Act*;
- (e) “**Charity**” means one or more organizations recognized as registered charities for the purposes of the *Income Tax Act*, (Canada);
- (f) “**City**” means the municipal corporation of the City of Edmonton;
- (g) “**City Manager**” means the chief administrative officer of the City or that person’s delegate;
- (h) “**Council**” means the municipal council of the City;
- (i) “**Councillor**” means a member of City Council, including the Mayor;
- (j) “**Councillor’s Annual Disclosure Statement**” means a statement in the form attached to this bylaw as Schedule “A”;
- (k) “**Distributing Corporation**” means a corporation which trades its shares publicly and is identified as a reporting issuer of securities under the *Securities Act*, R.S.A. 2000, c. S-4;
- (l) “**Campaign Contribution Declaration**” means a declaration prepared by a Candidate in the form and manner prescribed by section 147.6 of the *Local Authorities Election Act*;
- (m) “**Campaign Disclosure Statement**” means a statement prepared by a Candidate in the form and manner prescribed by section 147.5 of the *Local Authorities Election Act*;

- (n) **“Employer”** means any person, organization, corporation, partnership or other entity for whom a Councillor provides services for remuneration other than gifts or honoraria, but does not include the City or any committee, organization, or other body to which a Councillor provides services at the direction of Council or as part of the Councillor’s duties;
- (o) **“Family”** means the Councillor’s:
  - (i) Partner;
  - (ii) children;
  - (iii) parents; and
  - (iv) Partner’s parents.
- (p) **“Local Authorities Election Act”** means the *Local Authorities Election Act*, R.S.A. 2000, c. L-21;
- (q) **“Non-Distributing Corporation”** means a corporation which does not publicly trade its shares;
- (r) **“Partner”** means an Adult Interdependent Partner or Spouse;
- (s) **“Secretary”** means the City Manager;
- (t) **“Spouse”** means the husband or wife of a married person but does not include a person from whom the Councillor or Candidate separated pursuant to a written separation agreement or with respect to whom support and property obligations were resolved by court order;
- (u) **“Trust Account”** means an interest bearing account at a financial institution designated a trust account, from which funds may be withdrawn in accordance with specified events or conditions.

**RULES FOR  
INTEPRETATION**

3 The marginal notes and headings in this bylaw are for reference purposes only.

**PART II - COUNCILLOR’S ANNUAL DISCLOSURE STATEMENTS**

4 A Councillor’s Annual Disclosure Statement will be in the form attached as Schedule “A” to this bylaw.

5 Every Councillor must file a Councillor’s Annual Disclosure

Statement with the City Manager on the last working day of January every year.

- 6 The Councillor's Annual Disclosure Statement must include the names of:
  - (a) the Councillor's Family;
  - (b) the Councillor's Employers;
  - (c) any Non-Distributing Corporation in which the Councillor owns shares or is a director or officer;
  - (d) any Distributing Corporation in which the Councillor beneficially owns ten percent of the voting shares; and
  - (e) any partnership or firm in which the Councillor is a member.
- 7 The City Manager may provide a copy of a Councillor's Annual Disclosure Statement to any City employee the City Manager deems appropriate.

### **PART III - CAMPAIGN DISCLOSURE AND CONTRIBUTION STATEMENTS**

- 8 Where the *Local Authorities Election Act* requires Candidates to file Campaign Disclosure Statements or Campaign Contribution Declarations with the City, Candidates must file them with the City Manager on or before the prescribed filing deadline.
- 9 If a Candidate files a Campaign Disclosure Statement or a Campaign Contribution Declaration with the City after the deadline date, but within the time permitted for late filing by the *Local Authorities Election Act*, the Candidate shall pay the prescribed late filing fee at the time of filing.
- 10 If a Candidate fails to file a Campaign Disclosure Statement with the City Manager as required by the *Local Authorities Election Act*, the Secretary will report that fact to Council, and upon receipt, Council will make that report public.
- 11 Campaign Disclosure Statements will be available for viewing during regular business hours at the Office of the City Clerk.

#### **PART IV - CAMPAIGN FUNDS ENTRUSTED TO THE CITY MANAGER**

- 12 If the Local Authorities Election Act provides for payment of surplus campaign funds to the City, the funds shall be paid to the City Manager, and will be held in trust and managed in accordance with the requirements of the Act.

(S.2, Bylaw 16657, January 29,2014)

- 13 If a Candidate who has paid Campaign Funds to the City files nomination papers with respect to a by-election or general election the City Manager will withdraw the Candidate's Campaign Funds from the Trust Account and pay that amount to the Candidate:
- 14 If a Candidate has paid Campaign Funds to the City, but does not file nomination papers to run for office in the next general election, the Candidate may within six months of that election deliver written instructions to the City Manager directing the City Manager to pay that Candidate's Campaign Funds to Charity.
- 15 Upon receipt of written instructions to pay a Candidate's Campaign Funds to Charity, the City Manager will withdraw that Candidate's Campaign Funds from the Trust Account, and pay that amount to the Charity specified by the Candidate.
- 16 If a Candidate does not file nomination papers or direct the City Manager to pay the Candidate's Campaign Funds to Charity, the funds become City property and the City Manager may withdraw the Campaign Funds from the Trust Account for the City's use.
- 17 If interest earned on the Candidate's Campaign Funds exceeds the interest prescribed by the *Local Authorities Election Act*, the City Manager may withdraw that additional interest from the Trust Account for the City's use when the Campaign Funds are withdrawn.

#### **PART V - CAMPAIGN CONTRIBUTIONS PAYABLE TO THE CITY**

- 18 If a Candidate is required to pay to the Secretary an anonymous or other Campaign Contribution pursuant to section 147.3(j) of the *Local Authorities Election Act*, the Candidate will provide a letter explaining why the amount is being given to the City.

- 19 Funds paid to the City pursuant to this Part are City property.

#### **PART VI - GENERAL MATTERS**

- 20 If Candidates are required to pay any amount to the City pursuant to the *Local Authorities Election Act*, remittances will be in the form of certified cheque or money order payable to the City of Edmonton.
- 21 All documents that are required to be filed with the City Manager, and payments of any kind, must be delivered to the Office of the City Clerk, 3<sup>rd</sup> Floor, 3 Sir Winston Churchill Square, Edmonton, AB, T5J 2R7, no later than 4:30 p.m. during regular City business hours.



**PART VII - REPEAL**

22 Bylaw 10407 is repealed.

READ a first time this	28 <sup>th</sup>	day of	April,	A. D. 2010;
READ a second time this	28 <sup>th</sup>	day of	April,	A. D. 2010;
READ a third time this	28 <sup>th</sup>	day of	April,	A. D. 2010;
SIGNED and PASSED this	28 <sup>th</sup>	day of	April,	A. D. 2010.

THE CITY OF EDMONTON

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MAYOR

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CITY CLERK

## ANNUAL DISCLOSURE FORM FOR MEMBERS OF EDMONTON CITY COUNCIL

**INSTRUCTIONS:** This form is to be completed annually by every member of Edmonton City Council and delivered, by 4:30 p.m. on the last working day of January, to the Office of the City Clerk.

**Name:** \_\_\_\_\_

**PART A COUNCILLOR'S FAMILY MEMBERS**

RELATIONSHIP	FULL NAME
Mother:	
Father:	
Partner:	
Children:	
Partner's Mother:	
Partner's Father:	

**PART B COUNCILLOR'S EMPLOYERS  
(Other than City or Council directed employment)**

Name(s) of Employer(s)

\_\_\_\_\_  
Councillor's Signature

\_\_\_\_\_  
Date

**PART C NON-DISTRIBUTING  
CORPORATIONS IN WHICH COUNCILLOR IS  
SHAREHOLDER, OFFICER OR DIRECTOR**

Name(s) of Corporation(s)

**PART D DISTRIBUTING CORPORATIONS IN  
WHICH COUNCILLOR IS DIRECTOR OFFICER OR  
HOLDS 10% OF THE VOTING SHARES**

Name(s) OF Corporation(s)

**PART E FIRMS OR PARTNERSHIPS IN WHICH  
COUNCILLOR IS A MEMBER**

Name(s) of Firm(s) or Partnership(s)

The personal information requested on this form is being collected pursuant to the authority given in section 171 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25. If you have any questions about the collection of this information, please contact the City Clerk at 3<sup>rd</sup> Floor City Hall, 1 Sir Winston Churchill Square, T5J 2R7, or at 780-496-8153.

