



Calgary

Jyoti Gondek, Mayor

July 25, 2024

To: Municipal Affairs, Municipal Planning and Engagement, Engagement Team

Written submission regarding the Municipal Statutes Amendment Act (Bill 20)

The following submission is on behalf of myself and not Calgary City Council. It is limited to the specific subjects in the Bill 20: Municipal Affairs Statutes Amendment Act, 2024 Regulations Discussion Guide.

Defining “public interest” regarding a vote of electors to dismiss a councillor

As the provincial government already has the power to dismiss a councillor, as evidenced most recently in the municipality of Chestermere, the only issue that seems to be of concern by the government is the length of time that such a process can take. However, moving to a vote of electors to dismiss an elected councillor is major interference in the democratic process and the process used to make that determination is not one that should be rushed to begin with. The government may not even succeed in its desire to accelerate the process as the decision to go to a vote would require additional time, not to mention significant resources, to inform the electorate of the reasons for the vote and to conduct the vote before even getting to the declaration of a by-election.

What this legislation will do is create a continual stream of disaffected members of the public who will lobby the provincial government to force a vote of the electors anytime they do not like something that an elected official has said or done. To prevent this continual petitioning of the government by members of the public, the definition needs to be very clear that only egregious acts of an unlawful or unethical nature that would impede the ability of the councillor to perform their duties under the Municipal Government Act as determined through an independent investigation will be considered.

Defining “provincial government policy” regarding directing a municipality to amend or repeal a by-law if it is “contrary to the policy of the government”.

Considering all by-laws go through an extensive development and approval process whereby

they are deemed to be within the bounds of municipal authority and not in contravention of any provincial or federal legislation, this seems like overreach on the part of the provincial government. If the provincial government wishes to amend or repeal a by-law that has been passed by elected municipal officials through the established democratic process, then they should do so through passing provincial legislation, such as what was done with the Municipal Government (Face Mask and Proof of COVID-19 Vaccination Bylaws) Amendment Act, 2022. Thus, provincial government policy should be defined by the same definition as provincial legislation.

Establishment of a Provincial Integrity Commissioner

There is great value in all municipalities having access to an integrity commissioner to investigate and provide recommendations around code of conduct complaints. However, municipalities should have the autonomy to determine whether they will use (and therefore share in the costs of) a provincial commissioner, or whether they wish to make arrangements for their own (perhaps even partnering with neighbouring municipalities to do so). A local commissioner has many benefits over a provincial one as they are more familiar with their municipality's code of conduct, they are able to complete investigations and provide recommendations in a more timely fashion through established processes, they are more informed around local context, and they are in a better position to do any requisite follow-up if needed.

Should all municipalities be required to share in the costs of a provincial integrity commissioner, then it should be clear that if a municipality already has their own integrity commissioner, that complaints should be directed to the local level and that the provincial commissioner is only an appeal body. It would also be helpful for a provincial body to be proactive in providing educational resources to municipalities and the public around common violations of code of conduct in order to prevent these breaches from occurring in the first place.

Campaign Expense Limits

The ability to create regulations around expense limits for candidates has been in legislation prior to Bill 20, but has not actually been used, so there is no requirement to do so now, especially given the proximity to the next municipal election campaign. As a candidate can only spend what they have received in donations, more focus should be put on clarifying and enforcing donation limits rather than introducing new regulations around expense limits. Much more transparency is required so that the electorate is able to view the names of campaign donors prior to votes being cast. Disclosures also need to be made in a standardized, digital format that allows the province to easily identify breaches of the regulation. In keeping with the principles of transparency and accountability, no matter what expense limit the government chooses to impose, it is critical that regulations around transparency and consequences for breaking them are clear and enforced.

As is currently in place, all candidates should be required to donate any funds in excess of \$1,000 to a registered charity and donations should only be accepted beginning January 1 of the year in which the election is to be held. Allowing candidates to fundraise and spend campaign funds throughout all four years encourages members of council to focus more on political popularity than effective governance and could lead to increased polarization and partisanship.

All third-party advertisers (TPAs) should have to follow the same regulations as individual candidates with regards to any campaign donation and expense limits and disclosures. The current lack of transparency and accountability around TPA financing needs to be rectified as soon as possible.

Local Political Parties

The introduction of local political parties is ostensibly to create more transparency, however, it is unclear how this will be accomplished. Trying to implement this unwanted piece of legislation on such a rushed timeframe is bound to add to confusion rather than clarity for voters. Adding to the confusion is that Bill 20 refers to local political parties as well as slates, yet the current engagement only asks for feedback around parties. Thus, slates should also be included and subject to the same regulations as political parties.

Any regulations developed around local political parties should ensure that they are not advantaged over individual candidates. A party's nominated candidates should be subject to the same donation and expense limits with any central party donations or expenses being split equally amongst all nominated candidates. And again, all fundraising and campaign expenses should be limited to the election year, with any surplus campaign funds beyond \$1,000/nominated candidate being donated to charity. Individual candidates should also be allowed to create a party or slate of one so that they, too, can put some form of branding on the ballot as the name of a political party does. If parties are allowed any additional expenses beyond individual candidates, then a party of one should also be allowed to be regulated the same way so that they are not disadvantaged.

Introducing further complexity and increased red tape to municipal elections also comes with increased costs that municipalities should not be forced to bear. Elections Alberta should be the body responsible for registering municipal political parties and enforcing any regulations.

Final Thoughts

Thank you for taking the time to consider this submission. However, it should also be noted that a window of two and a half weeks during July is insufficient time to meaningfully engage municipalities on a piece of legislation with such far reaching ramifications. July is an exceptionally busy time of year for Calgary City Council. It is concerning that so little time is

being put into considering all of the potential consequences of these changes. It is more important to get this right than to introduce new and confusing legislation prior to the start of the municipal campaign period of January 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be 'JG', written in a cursive style.

Jyoti Gondek
Mayor, The City of Calgary