

DISQUALIFICATION OF COUNCILLORS

Excerpts from the Municipal Government Act

Reason for disqualification

174(1) A councillor is disqualified from council if

- (a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*;
- (b) the councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;
- (b.1) the councillor
 - (i) fails to file a disclosure statement as required under section 147.4 of the *Local Authorities Election Act* before the end of the late filing period provided under section 147.7 of the *Local Authorities Election Act*, and
 - (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the *Local Authorities Election Act*;
- (c) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
- (d) the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;
- (e) the councillor is convicted (i) of an offence punishable by imprisonment for 5 or more years, or (ii) of an offence under section 123, 124 or 125 of the Criminal Code (Canada);
- (f) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;
- (g) the councillor contravenes section 172;
- (h) the councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;
- (i) the councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;
- (j) the councillor becomes an employee of the municipality;
- (k) the councillor is liable to the municipality under section 249.

(2) A councillor is not disqualified by being absent from regular council meetings under subsection

(1)(d) if the absence is authorized by a resolution of council passed

- (a) at any time before the end of the last regular meeting of the council in the 8-week period, or
- (b) if there is no other regular meeting of the council during the 8-week period, at any time before the end of the next regular meeting of the council.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council.

(4) A councillor who is disqualified under this section is eligible to be elected at the next general election in the municipality if the person is eligible for nomination under the *Local Authorities Election Act*.