

2003 Bill 207

Third Session, 25th Legislature, 52 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 207

**MUNICIPAL GOVERNMENT (COUNCILLOR
DISCLOSURE AND PROTECTION)
AMENDMENT ACT, 2003**

MR. LORD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 207

2003

MUNICIPAL GOVERNMENT (COUNCILLOR DISCLOSURE AND PROTECTION) AMENDMENT ACT, 2003

(Assented to _____, 2003)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cM-26

1 The *Municipal Government Act* is amended by this Act.

2 The following is added after section 199:

Bylaw requiring recording of council meetings

199.1(1) A council may by bylaw require that all public
proceedings of council meetings

- (a) be recorded by audio, video or other electronic means
capable of being preserved, or
- (b) be transcribed verbatim in a written format.

(2) Notwithstanding any other bylaw, a bylaw under this
section must require that the records created under subsection
(1)(a) or (b) be preserved for no less than 10 years and that the
records be available upon request.

(3) The municipality may charge a reasonable fee for preparing
copies of the records produced under subsection (1).

3 Section 535 is amended

(a) in subsection (3) by adding “Subject to subsection (3.1),”
before “Subsection (2) is not a defence”;

(b) by adding the following after subsection (3)

(3.1) When a municipality enacts bylaws under sections 171 and 199.1, councillors may rely on subsection (2) as a defence to a defamation action for anything said at a council meeting.

4 This Act comes into force on October 19, 2004.

Explanatory Notes

- 1** Amends chapter M-26 of the Revised Statutes of Alberta 2000.
- 2** New section regarding recording of council meetings.

3 Section 535 presently reads:

535(1) In this section,

(a) “municipal officers” means

*(i) the chief administrative officer and designated officers,
and*

(ii) employees of the municipality;

(b) “volunteer worker” means a volunteer member of a fire or ambulance service or emergency measures organization established by a municipality, or any other volunteer performing duties under the direction of a municipality.

(2) Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

(4) This section does not affect the legal liability of a municipality.

4 Coming into force.