



Alberta Canola Producers Commission

Bylaws

(effective August 8, 2023)

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ALBERTA CANOLA PRODUCERS COMMISSION

Bylaws

Bylaws relating to the conduct of the affairs of the **ALBERTA CANOLA PRODUCERS COMMISSION** made pursuant to Section 26(2.1) of the *Marketing of Agricultural Products Act*, R.S.A. 2000, Chapter M-4 (hereinafter the "Act") and amendments thereto.

ARE IS HEREBY ENACTED as Bylaws of the **ALBERTA CANOLA PRODUCERS COMMISSION** as follows:

1. Definitions

- 1(1)** Words not defined in these bylaws have the same meaning as they do in the Act, the Alberta Canola Producers Marketing Plan Regulation and Alberta Canola Producers Marketing Regulation.
- (2)** In these bylaws
- (a) "annual region meeting" means an annual general meeting of the eligible producers who carry out production of the regulated product within the region;
 - (b) "assets" means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
 - (c) "auditor" means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;
 - (d) "investment" means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;
 - (e) "region" means, in accordance with the Plan, the area set forth in the Schedule to these bylaws;

Section 1 – Rights and Responsibilities

2. Responsibilities of Alberta Canola Producers Commission

- 2(1)** The Commission shall:
- (a) maintain an office, the location of which shall at all times be made known to each eligible producer,
 - (b) open and maintain one or more accounts at a bank, trust company, credit union, Treasury Branch or other depository,
 - (c) designate those officers, employees and other persons as necessary to sign cheques and transact the Commission's business with its bank, trust company, credit union, Treasury Branch or other depository,

- (d) generally do all things incidental to or in connection with the transaction of the Commission's business with its bank, trust company, credit union, Treasury Branch or other depository in subsection (b) and (c);
 - (e) when investing its assets shall make prudent investments in accordance with the requirements of section 33 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 51(1) and (2) and 53 of that Act;
 - (f) establish policies respecting the management of its assets as required by the Operation of Boards and Commissions Regulation (AR 26/99);
 - (g) cause the books and records, including financial records, to be maintained that may from time to time be required under the Act, the regulations, or by virtue of any order of the Council or as may be determined by the Commission; and
 - (h) open the books and records for inspection by any eligible producer at the office of the Commission on 5 business days' notice, unless disclosure is determined by the Commission to reveal commercially sensitive information.
- (2)** The Commission may
- (a) issue any general orders governing its internal operations as it may from time to time determine, subject to compliance with the Act, the regulations and any order of the Council;
 - (b) refuse access or may limit access by any eligible producer to books and records, if the Board is of the opinion that access would reveal commercially sensitive information about a eligible producer, processor, or other person;
 - (c) enter into an operating line of credit or other loan agreement with its bank, trust company, Treasury Branch, credit union or other lending institution;
 - (d) appoint officers, employees, and agents, prescribe their duties and fix and pay their remuneration;
 - (e) retain earnings and revenues from year to year, subject to the regulations and bylaws, to finance the purposes of the Plan;
 - (f) designate such officers, employees and other persons as are necessary to transact the Commission's business;
 - (g) become a member of any organization that promotes the interests of producers; and
 - (h) contribute funds to any agricultural organization having objectives similar to those of the Commission.

3. Definition of eligible producers

- 3** For the purposes of the Plan and these bylaws,

- (a) any producer who has paid a service charge under the Plan and these bylaws in a crop year is an eligible producer for that crop year;
- (b) the Commission shall maintain a list of eligible producers;
- (c) all producers who can be identified by the Commission as having paid a service charge under the Plan and these bylaws during a crop year shall be included on the list of eligible producers for that crop year;
- (d) any producer who is not listed on the Commission's list of eligible producers shall be added to the list where the producer can provide proof to the Commission that the producer has paid a service charge under the Plan and these bylaws in the crop year for which the application is made;
- (e) once a producer is listed with the Commission as an eligible producer, the producer shall continue to be recognized as an eligible producer from crop year to crop year, unless the eligible producer ceases to pay a service charge under the Plan and these bylaws in 2 subsequent crop years, in which case the producer shall cease to be an eligible producer;
- (f) where a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an eligible producer for any crop year in which the producer pays a service charge under the Plan and these bylaws;
- (g) producers may make voluntary payments and the service charge will be based on production for those producers who do not sell the regulated product produced by the producer if there is evidence of production of the regulated product.

4. General rights of eligible producers

- 4** In accordance with the Plan and these bylaws, an eligible producer is entitled, as a matter of right,
 - (a) to attend annual region meetings, annual Commission meetings and special Commission meetings;
 - (b) to make representations on any matter pertaining to the Plan and these bylaws, the Commission or the Board of Directors;
 - (c) to vote on any matter under the Plan and these bylaws;
 - (d) to vote in any election for directors;
 - (e) to hold office as a director; and
 - (f) to vote in any plebiscites of producers held under the Act.

5. Eligible producers who are individuals

- 5** Where an eligible producer is an individual, that individual may, subject to the Plan and these bylaws, exercise the rights of an eligible producer referred to in section 4.

6. Eligible producers that are not individuals

- 6(1)** Where an eligible producer is not an individual, that eligible producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 4.
- (2)** An eligible producer to which this section applies shall appoint an individual to be the representative of the eligible producer.
- (3)** A representative appointed by an eligible producer under this section shall, subject to the Plan and these bylaws, exercise on behalf of the eligible producer the rights referred to in section 4.
- (4)** If an eligible producer is
 - (a)** a corporation, it shall appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,
 - (b)** a partnership, it shall appoint an individual who is a partner or employee of the partnership as its representative, or
 - (c)** an organization, other than a corporation or a partnership, it shall appoint an individual who is a member, officer or employee of the organization as its representative.
- (5)** An appointment of a representative under this section shall be
 - (a)** in writing, and
 - (b)** in the case where a vote is to be taken at a meeting, filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.
- (6)** An individual who is the representative of an eligible producer shall not cast a vote under the Plan and these bylaws unless
 - (a)** the individual presents a document signed by the eligible producer indicating the name of the person who may vote for the eligible producer, or
 - (b)** the individual makes a statutory declaration in writing stating that
 - (i)** the individual is a representative of the eligible producer, and
 - (ii)** the individual has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.
- (7)** A statutory declaration made under subsection (6)(b) shall be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.
- (8)** An individual cannot at any one time be a representative under this section for more than one eligible producer.

- (9) A representative shall not vote or hold office before the representative's appointment is filed in accordance with subsection (5).

Section 2 – Election of Board of Director members

7. Eligibility to serve as Director

- 7(1)** To be eligible for election as a director to represent a region, an eligible producer must carry on production in that region.
- (2) An eligible producer shall not serve as a director for more than 3 consecutive 3-year terms.
- (3) Notwithstanding subsection (2), an eligible producer who was a director is once again eligible to be elected as a director if 3 years have elapsed since that eligible producer's term concluded.

8. Election of Directors

- 8(1)** The Commission shall solicit nominations for the position of director for each region from which a director is required to be elected as follows:
- (a) by providing through regular mail notice to all eligible producers in the region in which an election of a director is required; or
 - (b) by issuing such other means of notice as the Commission may determine.
- (2) Nominations for the position of director must be made by an eligible producer prior to or at the annual Commission meeting and must be
- (a) filed at the Commission's head office in writing by a date fixed by the Commission,
 - (b) signed by at least 5 eligible producers from the region in which the election is to be held, and
 - (c) accompanied by the written consent of the eligible producer nominated as a director.
- (3) In accordance with section 16(1), mail ballots shall be made available to each eligible producer in the region.
- (4) The mail ballot, designed for a secret vote, must be mailed to each of the eligible producers in the region at least 30 days prior to the ballot closing date fixed by the Commission.
- (5) The ballot closing date shall
- (a) be fixed by the Commission, and
 - (b) be a date that is within 42 days immediately preceding the annual meeting.

9. Filling vacancies by appointment

9(1) Where

- (a) in accordance with this section an individual is appointed to fill a vacancy, and
- (b) the term of office is served by that individual pursuant to that appointment is not greater than 18 months, the time served by that person as a director pursuant to that appointment is not to be taken into consideration for the purposes of the Plan and these bylaws.

10. Terms of office

10(1) The directors shall hold office for 3 years.

(2) The term of office of a director shall

- (a) commence on the conclusion of the annual Commission meeting that takes place following the director's election,
- and
- (b) expire on the conclusion of the annual Commission meeting that takes place in the year that the director's term of office is to expire.

11. Ceases to be director

11(1) An individual ceases to be a director if that individual

- (a) resigns from the position of director,
- (b) ceases to be an eligible producer,
- (c) in the case of the individual being the representative of an eligible producer under section 6, ceases to be the representative of the eligible producer, or
- (d) is absent from 3 consecutive meetings of the Board of Directors without reasons that the Board of Directors considers adequate.

(2) Where an individual ceases to be a director under this section, a vacancy is created and may be filled in accordance with section 17 of the Plan.

12. Director Removal

12 The Commission may, on a motion passed by 3/4 of the directors currently in office at a special or regular meeting of the board, remove a director from office if the director fails to abide by any of the Commission's policies.

13. Adjunct Director

- 13(1)** Notwithstanding anything in the Plan and these bylaws, the Board of Directors may appoint a director whose term is expiring and who is not standing for re-election as a director to serve as an adjunct director on the Board of Directors for the purpose of allowing that director to represent the Commission in respect of an organization with which the Commission is involved.
- (2)** An adjunct director is not eligible to vote on any matter put to the question at a meeting of the Board of Directors.
- (3)** At any one time there shall not be more than one adjunct director on the Board of Directors.
- (4)** Where an adjunct director is appointed, the Board of Directors may
- (a) prescribe the duties of and the term of office for the adjunct director, and
 - (b) at any time terminate the appointment of an adjunct director.
- (5)** Where an adjunct director is appointed in accordance with the Plan, that director's position on the Board of Directors is in addition to the positions of the directors who are elected or appointed to sit on the Board of Directors under this Division.

Section 3 – Board Organization and Responsibilities

14. Board executive

- 14(1)** Following the annual Commission meeting in each year, the directors shall elect from among the directors the officers of the Board of Directors, including a chair and a vice-chair of the Board of Directors.
- (2)** The term of office of the officers of the Board of Directors, including the chair and vice-chair, expires on the conclusion of the annual Commission meeting following the year the officers, chair and vice-chair were elected.

15. Quorum at Board meetings

- 15(1)** The quorum necessary for the conduct of business at a meeting of the Board of Directors is a majority of the directors holding office at the time.
- (2)** In determining a quorum under subsection (1), vacant positions and adjunct director positions on the Board of Directors shall not be considered.

16. Responsibilities of the Board of Directors

- 16(1)** The responsibilities of the Commission, the authority delegated to the Commission by the Council and the direction, administration and management of the Commission's work, business and affairs, including the control and management of

all the assets owned, held or acquired by the Commission, are vested in the Board of Directors.

- (2)** The Board of Directors has the power to do all things necessary to carry out the purposes of the Plan and these bylaws and the responsibilities and authority of the Commission.
- (3)** The Board of Directors may authorize any person, entity or committee to exercise any of the powers of the Board of Directors as set forth in the Plan and these bylaws or otherwise.
- (4)** Where a person, entity or committee is authorized under subsection (3) to exercise any power of the Board of Directors,
 - (a) that person, entity or committee shall report back to the Board of Directors with respect to the exercise of that power, and
 - (b) the Board of Directors shall retain a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

Section 4 – Meetings

17. Annual Commission meetings

- 17** An annual Commission meeting shall be held
 - (a) once in each year, and
 - (b) within 13 months following the date of the commencement of the last annual Commission meeting.

18. Special Commission meetings

- 18 (1)** The Commission shall hold a special Commission meeting
 - (a) when requested to do so by the Council, or
 - (b) on the written request of not less than 10% of the registered producers.
- (2)** The Commission may hold a special Commission meeting if called by the board at any time.

19. Annual region meetings

- 19(1)** An annual region meeting shall be held for the purposes of providing to the eligible producers in a region
 - (a) information with respect to the Commission, and
 - (b) an opportunity to provide to the Board of Directors suggestions and recommendations.

- (2) The annual region meeting shall
 - (a) be organized by the Commission,
 - (b) be financed by the Commission, and
 - (c) be held not more than 120 days or less than 10 days prior to the commencement of the annual Commission meeting.

20. Time, date, and place of meetings

- 20(1)** Subject to sections 17, 18, and 19, the Commission shall set the time, date, and place of any annual region meeting, annual Commission meeting or special Commission meeting.
- (2) The Commission may direct that a meeting be held in person, or alternatively entirely or partially by means of a telephonic, electronic, or other communication method that permits all participants to communicate adequately with each other during a meeting.
- (3) The Commission shall notify the eligible producers of an annual Commission meeting, an annual region meeting, or a special Commission meeting at least 21 days before the meeting is to be held.
- (4) Any notice of a meeting shall set forth the time, date, place and purpose of the meeting.
- (5) Where the Commission provides a notice under this section, the Commission may do so in any form or manner that the Commission considers appropriate in the circumstances.

21. Quorum at meetings

- 21** The quorum necessary for the conduct of business is,
 - (a) in the case of an annual Commission meeting or special Commission meeting, 30 eligible producers;
 - (b) in the case of an annual region meeting, 10 eligible producers from the region.

Section 5 – Voting and Elections

22. Voting Eligibility

- 22(1)** An eligible producer is eligible to vote in an election and on any question put to a vote at an annual Commission meeting or a special Commission meeting if the eligible producer is present at the meeting at which the vote is held.
- (2) An eligible producer is eligible to vote on any question put to a vote at an annual region meeting if the eligible producer

- (a) carries on production in the region, and
 - (b) is present at the meeting at which the vote is held.
- (3)** An eligible producer may vote once on each matter, notwithstanding that the eligible producer may manage or operate or own, lease or hold equity in 2 or more operations.

23. Producers who are individuals

- 23** An individual who is an eligible producer may only cast a vote under the Plan and these bylaws if that individual's name appears on the current list of eligible producers.

24. Producers that are not individuals

- 24** An eligible producer that is not an individual may only cast a vote under the Plan and these bylaws if that producer's name appears on the current list of eligible producers.

25. Returning officer

- 25(1)** The Commission shall appoint a returning officer for the purposes of and in connection with any election or vote taken under the Plan and these bylaws.
- (2)** The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under the Plan and these bylaws.
- (3)** The returning officer shall
- (a) compile and maintain a voters list of eligible producers who are entitled to vote under the Plan and these bylaws,
 - (b) ensure that a person does not cast a vote, except in accordance with the Plan and these bylaws, and
 - (c) permit scrutiny of the actions of the returning officer and the deputy returning officers by a scrutineer in respect of the conduct of a vote taken under the Plan and these bylaws.
- (4)** Unless otherwise directed by the Council, no person shall destroy any records or ballots in respect of a vote or election held under the Plan and these bylaws until 90 days have elapsed from the day on which the vote was taken.

26. Tie votes

- 26(1)** If there are more than 2 nominations for a position and a tie vote occurs between 2 or more of the candidates that received the largest number of votes, the candidates with the smaller number of votes shall be eliminated and a 2nd election for the position shall be immediately held among the tied candidates and if a tie vote

- occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.
- (2) If there are only 2 nominations for a position and a tie vote occurs, a 2nd election for the position shall be held immediately among the tied candidates and, if a tie vote occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.

Section 6 – Administrative Matters

27. Remuneration

- 27 The remuneration to be paid to the directors and officers of the Board of Directors may be fixed from time to time by the Board of Directors.

28. Appointment of an auditor

- 28 The auditor for the Commission shall be appointed by the eligible producers at an annual Commission meeting or a special Commission meeting.

29. Honorary Memberships, etc.

- 29 The Commission may establish non-voting associate, industry, affiliate or honorary memberships under the Plan and these bylaws to provide interested individuals or organizations with the opportunity to contribute to the efforts of the Commission.

Section 7 – Bylaw Amendments

30. Bylaw amendment, repeal or replacement

- 30(1) The amendment or repeal, or a new bylaw relating to the requirements of the Act, may be initiated by:
- (a) a motion of the Board of Directors, or
 - (b) upon the request of Council.
- (2) Subject to the requirements of the Act, these bylaws may be amended or repealed by the Board of Directors upon a 2/3 majority vote of eligible producers during an annual Commission meeting or special Commission meeting or through whatever means determined appropriate by the Board of Directors.
- (3) A bylaw, including an amendment or repeal, is not effective until it is approved by Council.
- (4) Notwithstanding subsections (2) and (3), a bylaw can be changed by the Board of Directors, without materially affecting the bylaw in principle or substance, under the following conditions:

(a) to correct clerical, technical, grammatical or typographical errors in a bylaw,
(b) to bring out more clearly what is considered to be the meaning of a bylaw, or
(c) improve the expressing of the law under the Act or associated regulations,
without requiring approval from eligible producers or Council.

- (5)** The *Regulations Act* does not apply to these bylaws.
- (6)** As soon as the bylaws have been approved by Council, the Board of Directors must provide a copy of these bylaws, including any amendments to these bylaws, to eligible producers in any manner the Board of Directors considers appropriate.

31. Conflicts

- 31** These bylaws form a part of the Plan to the extent that they do not conflict with the Act, the Plan and the Alberta Canola Producers Marketing Regulation. If there is a conflict between these bylaws, the Act, or a regulation made under the Act, the Act and the regulations prevail.

32. Review

- 32** In compliance with the ongoing review cycle of regulations, these bylaws must be reviewed annually.

ENACTED by the Commission this 8th day of August, 2023.

_____, Chair of the Alberta Canola Producers Commission

(Original signed by Roger Chevraux)

Schedule

Regions

1. Region 1 is made up of the area that is included in the following:
 - (a) Clear Hills County;
 - (b) County of Northern Lights;
 - (c) Mackenzie County;
 - (d) Municipal District of Peace No. 135;
 - (e) Municipal District of Fairview No. 136;
 - (f) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (e).

2. Region 2 is made up of the area that is included in the following:
 - (a) County of Grande Prairie No. 1;
 - (b) The Municipal District of Greenview No. 16;
 - (c) Birch Hills County;
 - (d) Saddle Hills County;
 - (e) Municipal District of Spirit River No. 133;
 - (f) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (e).

3. Region 3 is made up of the area that is included in the following:
 - (a) Municipal District of Opportunity No. 17;
 - (b) Municipal District of Lesser Slave River No. 124;
 - (c) Municipal District of Smoky River No. 130;
 - (d) Northern Sunrise County;
 - (e) Big Lakes County;
 - (f) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (e).

4. Region 4 is made up of the area that is included in the following:
 - (a) Beaver County;
 - (b) Strathcona County;
 - (c) County of Two Hills No. 21;
 - (d) County of Minburn No. 27;
 - (e) Lamont County;
 - (f) Improvement District No. 13 (Elk Island);
 - (g) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (f).

5. Region 5 is made up of the area that is included in the following:
 - (a) Thorhild County;
 - (b) County of Barrhead No. 11;
 - (c) Athabasca County;

- (d) Smoky Lake County;
 - (e) Woodlands County;
 - (f) Sturgeon County;
 - (g) Westlock County;
 - (h) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (g).
6. Region 6 is made up of the area that is included in the following:
- (a) Leduc County;
 - (b) Parkland County;
 - (c) Lac Ste. Anne County;
 - (d) Brazeau County;
 - (e) Yellowhead County;
 - (f) City of Edmonton;
 - (g) Improvement District No. 12 (Jasper National Park);
 - (h) Municipality of Jasper;
 - (i) Improvement District No. 25 (Willmore Wilderness);
 - (j) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (i).
7. Region 7 is made up of the area that is included in the following:
- (a) Ponoka County;
 - (b) County of Wetaskiwin No. 10;
 - (c) Lacombe County;
 - (d) Red Deer County;
 - (e) Clearwater County;
 - (f) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (e).
8. Region 8 is made up of the area that is included in the following:
- (a) Wheatland County;
 - (b) Mountain View County;
 - (c) Municipal District of Bighorn No. 8;
 - (d) Foothills County;
 - (e) Rocky View County;
 - (f) Kneehill County;
 - (g) Improvement District No. 09 (Banff);
 - (h) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (g).
9. Region 9 is made up of the area that is included in the following:
- (a) Vulcan County;
 - (b) County of Warner No. 5;
 - (c) Lethbridge County;
 - (d) Cardston County;

- (e) Municipal District of Pincher Creek No. 9;
- (f) Municipal District of Taber;
- (g) The Municipal District of Willow Creek No. 26;
- (h) The Municipal District of Ranchland No. 66;
- (i) Kananaskis Improvement District;
- (j) Improvement District No. 04 (Waterton);
- (k) Municipality of Crowsnest Pass;
- (l) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (k).

10. Region 10 is made up of the area that is included in the following:

- (a) County of St. Paul No. 19;
- (b) County of Vermilion River;
- (c) Municipal District of Wainwright No. 61;
- (d) Municipal District of Bonnyville No. 87;
- (e) Regional Municipality of Wood Buffalo;
- (f) Lac La Biche County;
- (g) Improvement District No. 24 (Wood Buffalo)
- (h) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (g).

11. Region 11 is made up of the area that is included in the following:

- (a) County of Stettler No. 6;
- (b) County of Paintearth No. 18;
- (c) Camrose County;
- (d) Flagstaff County;
- (e) Municipal District of Provost No. 52;
- (f) Special Area No. 4;
- (g) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (f).

12. Region 12 is made up of the area that is included in the following:

- (a) County of Newell;
- (b) County of Forty Mile No. 8;
- (c) Cypress County;
- (d) Municipal District of Acadia No. 34;
- (e) Starland County;
- (f) Special Area No. 2;
- (g) Special Area No. 3;
- (h) Town of Drumheller
- (i) any city, town, village, or summer village that is encompassed by the area described in clauses (a) to (h).