

# Council Member's Handbook

## For Municipalities

November 2020

## Congratulations!

Your voters have put their trust in you to manage and make decisions that are in their best interests. You are now part of a team expected to make decisions that will affect all of the ratepayers objectively and fairly.

It is very important that your ratepayers see you working as a team. Voters in your municipality very quickly recognize when there is dissention among members of council. When voters recognize council dissention, they lose confidence in council's ability to manage the municipality.

This guide tells you:

- what to expect during your term of office;
- council code of ethics;
- information on your roles as councillor/mayor/reeve;
- information on the roles of council;
- information on the roles of administration;
- conflict of interest;
- information about various aspects of running your municipality; and
- tips on making your term of office successful.

Footnotes at the bottom of the pages of this handbook reference sections from the municipal acts and regulations. It is important that council understands and acts according to the legislated authorities given to municipalities. Choosing to act outside of jurisdiction is contrary to law and places the municipality at risk. Your administrator will help to inform you of legislated requirements, limitations and authorities. You may also call a municipal advisor to discuss technical questions regarding legislation at 306-787-2680.

You will find the term “municipality” throughout this handbook. It means a town, village, resort village, city, rural municipality, northern town, northern village or northern hamlet.

Available on Saskatchewan.ca:

- links to resources that are available online in this handbook.
- a search bar to find other resources about municipalities and related topics.

**Disclaimer:** This handbook is an overview of municipal administration for council members. It is not intended as a substitute for reading and understanding legislation. If in doubt, contact the Ministry of Government Relations at 306-787-2680 or seek the advice of a solicitor.

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## Local Government

Municipalities are corporations<sup>1</sup> created by the provincial government by legislation. They must follow federal and provincial rules. They are recognized as accountable and responsible levels of government in the areas that are under their jurisdiction.<sup>2</sup>

Your municipality has:

- a legal name;
- rights;
- responsibilities under the law; and
- geographic boundaries in which it operates.

Municipalities:

- are corporations; and
- must follow federal and provincial laws.

## Purpose of A Municipality

The municipal council makes decisions that will affect the municipality as a whole. Decisions made by municipal council members affect the services that people rely on every day. These services can include:

- drinking water;
- sewer and waste;
- streets;
- garbage removal; and
- recycling.

Municipal governments:

- provide services;
- keep communities safe; and
- look after public assets.

In addition to service provisions, municipalities:

- develop and maintain a safe and sustainable community; and
- provide wise stewardship of public assets.<sup>3</sup>

## Legislative Framework

*The Municipalities Act (MA)*, *The Cities Act (CA)* and *The Northern Municipalities Act, 2010 (NMA)* provide the framework about how municipalities work.<sup>4</sup> Municipalities are the local level of government accountable to the people that elected them.<sup>5</sup> They are responsible for encouraging and enabling public participation.<sup>6</sup>

Municipalities have governmental powers and natural person powers.

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<sup>1</sup> subsection 4(1) *The Municipalities Act*, subsection 4(1) *The Cities Act*, subsection 4(1) *The Northern Municipalities Act, 2010*

<sup>2</sup> subsection 3(1)(a) *The Municipalities Act*, subsection 3(1) *The Cities Act*, subsection 3(1) *The Northern Municipalities Act, 2010*

<sup>3</sup> subsection 4(2) *The Municipalities Act*, subsection 4(2) *The Cities Act*, subsection 4(2) *The Northern Municipalities Act, 2010*

<sup>4</sup> subsection 3(2) *The Municipalities Act*, subsection 3(2) *The Cities Act*, subsection 3(2) *The Northern Municipalities Act, 2010*

<sup>5</sup> subsection 4(2) *The Municipalities Act*, subsection 4(2) *The Cities Act*, subsection 4(2) *The Northern Municipalities Act, 2010*

<sup>6</sup> clause 3(2)(d) *The Municipalities Act*, clause 3(2)(d) *The Cities Act*, clause 3(2)(d) *The Northern Municipalities Act, 2010*

- **Governmental powers** are powers that only a level of government has the authority to perform, such as levying taxes<sup>7</sup> and enacting and enforcing bylaws.<sup>8</sup> Because these powers are authorized by legislation, a municipality is required to follow the legislation. The municipality can only do what the act allows or directs it to do.
- **Natural person powers** are things that an ordinary person can perform, such as the ability to enter into contracts and own property.<sup>9</sup> Municipalities may do almost anything that a natural person may do, but there are some limitations. They are subject to provincial and federal laws.<sup>10</sup>

Municipalities:

- are a level of government accountable to their citizens;
- have prescribed governmental powers; and
- have natural person powers.

## Acting Outside the Scope of Jurisdiction

Municipal legislation provides council with broad authority<sup>11</sup> to act in a wide variety of situations, but there are also many limits and procedural requirements in legislation. Your administrator will work with council to keep decisions within legislated authority.

When a local government acts outside its scope of jurisdiction, it is acting unlawfully. A choice to act outside of legislated authority can lead to a legal challenge to a resolution or bylaw.<sup>12</sup> This may expose the municipality to financial damages and to a loss of confidence by voters.

At the end of the day, council must make sure that the municipality acts according to the legislation. Work with your administration; they are your experts in legislation.

Council:

- has broad authority; and
- must ensure it remains within its legislated authority.

<sup>7</sup> subsection 283(2) *The Municipalities Act*, subsection 253(1) *The Cities Act*, subsection 304(2) *The Northern Municipalities Act, 2010*

<sup>8</sup> section 8 *The Municipalities Act*, section 8 *The Cities Act*, section 8 *The Northern Municipalities Act, 2010*

<sup>9</sup> subsection 4(3) *The Municipalities Act*, subsection 4(3) *The Cities Act*, subsection 4(3) *The Northern Municipalities Act, 2010*

<sup>10</sup> clause 3(1)(b) *The Municipalities Act*, clause 3(1)(b) *The Cities Act*, clause 3(1)(b) *The Northern Municipalities Act, 2010*

<sup>11</sup> subsection 6(1) *The Municipalities Act*, subsection 6(1) *The Cities Act*, subsection 6(1) *The Northern Municipalities Act, 2010*

<sup>12</sup> section 358 *The Municipalities Act*, section 320 *The Cities Act*, section 378 *The Northern Municipalities Act, 2010*

## Oath or Affirmation

After the election and before you assume any duties of office, you and every other elected official must take an Oath or Affirmation of Office (Oath).<sup>13</sup> If you fail or refuse to sign the Oath, you have no right to participate in council debates or decisions.

The Oath is a public document and is accessible by the public.<sup>14</sup> It is very important that you realize what the Oath says and you understand:

- your duties of office;
- the conflict of interest provisions; and
- the code of ethics.

Every elected official is required to take an Oath or Affirmation of Office saying they:

- are qualified to hold office;
- promise to perform the duties of office; and
- shall adhere to the code of ethics, rules of conduct and legislated requirements.

## Public Disclosure Statement

Although public disclosure statements formed part of the nomination papers at election time, newly elected council members are still required to submit another public declaration form within 30 days of being elected. Annual declarations are also required on or before November 30<sup>th</sup>. The mandatory disclosure helps to ensure the public that decisions are made in the best interests of the municipality. The disclosure statement identifies:

- the name and nature of employment;
- financial interests; and
- other involvement that may be seen to affect fairness in making a municipal decision.

The disclosure statement does not include your specific financial details such as salary, value of holdings, or number of shares. If you have complex business interests and arrangements, you may want to discuss how to complete this statement with a lawyer or accountant.

You may wish to refer to [Municipal Public Disclosure Guide](#) when completing the disclosure statement.

Public Disclosure Statements:

- must be submitted within 30 days of election;
- contain an elected official's personal information; and
- are accessible by the public.

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<sup>13</sup> section 94 *The Municipalities Act*, section 68 *The Cities Act*, section 108 *The Northern Municipalities Act, 2010*

<sup>14</sup> clause 117(1)(b.01) *The Municipalities Act*, clause 91(1)(a.1) *The Cities Act*, clause 133(1)(a.1) *The Northern Municipalities Act, 2010*

## Council Code of Ethics

A code of ethics bylaw shall outline basic ethical standards and values for members of council. Becoming familiar with your municipal code of ethics bylaw is important because it sets out the behaviour that is expected of you as a member of council. The code of ethics bylaw is council's directive of their obligations when fulfilling the duties and responsibilities as an elected official.

Promoting the code of ethics bylaw and the complaint process to the citizens is essential to an open and transparent government. It shows the citizens that council wants to treat everyone with fairness.

The code of ethics must include:

- how council members will behave with each other, employees, and the public;<sup>15</sup>
- the prescribed model in the regulations that apply to your municipality;<sup>16</sup> and
- the process to which complaints are handled and potential remedial action of contravention occurs.<sup>17</sup>

The code of ethics may include:

- standards for members of committees, controlled corporation and other bodies established by council who are not members of the council;
- rules regarding the discipline or suspension of a member of council who has contravened the code of ethics (subject to the regulations);
- policies, rules and guidelines regarding a member of council accepting gifts or other benefits in connection with that member's holding office; and
- any other statements of ethics and standards determined to be appropriate by the council.

The prescribed code of ethics standards and values are:<sup>18</sup>

1. Honesty
  - Council members must be truthful and open.
2. Objectivity
  - Decisions will be made carefully, fairly and impartially.
3. Respect
  - Treat people with dignity, understanding and respect.
4. Transparency and Accountability
  - Council business and all other duties shall be conducted so that citizens will be able to clearly see how and why a decision.
5. Confidentiality
  - Confidential information learned during the course of performing your office is to be kept private.
  - Council members shall not benefit from information obtained in the course of their municipal duties.

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<sup>15</sup> subsection 93.1(2) *The Municipalities Act*, subsection 66.1(2) *The Cities Act*, subsection 107.1(2) *The Northern Municipalities Act, 2010*

<sup>16</sup> clause 93.1(5)(a) *The Municipalities Act*, clause 66.1(5)(a) *The Cities Act*, clause 107.1(5)(a) *The Northern Municipalities Act, 2010*

<sup>17</sup> clause 93.1(5)(c) *The Municipalities Act*, clause 66.1(5)(c) *The Cities Act*, clause 107.1(5)(c) *The Northern Municipalities Act, 2010*

<sup>18</sup> section 3.1 schedule 1 *The Municipalities Regulations*, section 3.1 schedule 1 *The Cities Regulations*, section 3.1 schedule 1 *The Northern Municipalities Regulations*



6. Leadership and Public Interest
  - Council members will serve their citizens and always act in the best interests of the municipality.
  - Acting for personal benefit, wrongdoing or unethical conduct will not be tolerated.
7. Responsibility
  - Council members shall act in accordance with legislation, disclose conflicts of interest, follow policies and procedures of the municipality and exercise powers strictly for the purpose intended.

Council is required to establish a process to deal with contraventions of the code that will outline the remedial actions available to council. The complaint handling process needs to be based on the principles of fairness, accessibility, responsiveness and efficiency. Procedural steps that council may wish to implement for the handling of a complaint are:

1. Receiving and acknowledging the complaint;
2. Notifying the affected council member;
3. Notifying the council;
4. Trying to resolve the complaint informally;
5. Investigating the complaint;
6. Giving all parties an opportunity to comment on preliminary findings;
7. Deciding how to deal with the complaint; and
8. Giving reasons.

The code of ethics:

- is legislatively required;
- sets standards for council members;
- includes the minimum code of ethics;
- needs to have a process to deal with contraventions; and
- may extend to members of all municipal bodies.

## Role of Council

### Duties and Responsibilities of Council

Council is elected to make decisions for the municipality about services, policies and programs. Council members have an equal voice at the council table – every council member has one vote. A majority vote is required to make a council decision. A council decision is the decision of the municipality. All council members must respect the decision, even when they did not vote in favour.

Council:

- develops and evaluates policies and programs;
- is accountable to the public for the decisions it makes; and
- makes sure that the municipality acts within the law.

Over the course of your term, council will need to make many complex decisions. These may include decisions on strategic and financial planning, economic development, staff, public relations and communications, and land use planning.

## Duties and Responsibilities of Individual Council Members

As a member of council, you cannot be an employee of:

- the municipality;
- the municipality's committees;
- business improvement districts; or
- controlled corporations.<sup>19</sup>

As a member of council you must:

- represent the voters and consider the well-being and interests of the municipality;<sup>20</sup>
- participate in council, committee and other bodies' meetings;<sup>21</sup> and
- ensure that administrative procedures and policies are in place to implement council decisions.<sup>22</sup>

You need to become very familiar with the council procedures bylaw because it establishes written rules for conducting business at meetings for council members, administrators and the public to follow.

An effective council member is objective, open minded and willing to listen. You must look at each issue in light of what is the best course of action for the municipality, regardless of what you personally feel. Everyone's input is important and must be respected for council to reach the right decision.

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<sup>19</sup> section 112 *The Municipalities Act*, section 86 *The Cities Act*, section 128 *The Northern Municipalities Act, 2010*

<sup>20</sup> subsection 92(a) *The Municipalities Act*, subsection 65(a) *The Cities Act*, subsection 106(a) *The Northern Municipalities Act, 2010*

<sup>21</sup> subsection 92(c) *The Municipalities Act*, subsection 65(c) *The Cities Act*, subsection 106(c) *The Northern Municipalities Act, 2010*

<sup>22</sup> subsection 92(d) *The Municipalities Act*, subsection 65(d) *The Cities Act*, subsection 106(d) *The Northern Municipalities Act, 2010*

It is common for a council member to feel overwhelmed in their new role. [The Municipal Leadership Development Program](#) offers a number of training modules for council members and administrators. Another resource offering training material is located at <http://www.georgecuff.com/>.

It is also important to:

- attend conferences, meetings and related training sessions;
- discuss matters with previous experienced council members in your municipality; and
- network with elected officials at other municipalities.

Education on municipal matters and good listening skills enable you to set policies and enact bylaws in the best interests of your citizens.

A member of council:

- represents the voters;
- considers the well-being and interests of the municipality;
- participates in council, committee and other bodies' meetings; and
- makes sure that administrative procedures and policies are in place to implement council decisions.

## Duties and Responsibilities of Mayor or Reeve

The mayor or reeve has the same legislated duties and responsibilities as all other councillors, however, the head of council has some legislated duties. The mayor or reeve:

- presides at a council meeting when in attendance, unless council has passed a bylaw for another member to preside at the meeting;
- votes on all resolutions and bylaws before council;
- is a member of all council committees and all bodies established by council unless council provides otherwise;
- makes all decisions and takes all actions about releasing information as the "head" under *The Local Authority Freedom of Information and Protection of Privacy Act* unless he/she delegates the authority as "head" to an employee of the municipality; and
- performs other duties that legislation or a municipal bylaw requires.

A mayor or reeve:

- presides at a council meeting when in attendance;
- votes on all resolutions and bylaws;
- is a member of all council committees and municipal bodies; and
- is the "head" under *The Local Authority Freedom of Information and Protection of Privacy Act*.

## Duty to Respect Confidentiality

As a council member, you may be privy to third-party or confidential information. You share the same responsibility to maintain the confidentiality surrounding the information that is required of any employee of the municipality.

It is important to keep confidential matters discussed in closed meeting sessions or confidential information of a private nature private until discussed at a public meeting.

If confidential municipal information comes into your hands, a wise option may be to return the information to the municipal office to file it securely.

### Confidentiality of council members:

- may be privy to third-party or confidential information; and
- must keep matters discussed in confidence private until they are discussed in a public forum.

## Council Committees, Boards and Other Bodies

Councils may establish committees, boards and other bodies<sup>23</sup> to help them carry out their municipal responsibilities. Council may choose to create council committees made up of council members only or to create committees, boards or other bodies that enlist the help of members of the community that are not serving on council.

Appointing committees, boards or other bodies recognizes that, due to time and resource pressures, council cannot handle the complex and heavy workload by itself. It is also an effective way of bringing additional expertise and new perspectives to the table.

Usually a group established by council is required to exercise their duties and powers at a duly convened meeting that is open to the public. Groups established by council also require written meeting procedures. Generally, these groups make recommendations to council, who acts on the recommendations and makes the final decision.

However, council may choose to delegate some decision-making authority to the group that is established. Actions are not effective unless council has delegated authority to the group by resolution or bylaw or council adopts the recommendations or decisions at a council meeting.

### Committees, boards and other bodies:

- are established by council to help carry out municipal tasks;
- require written meeting procedures; and
- may have decision-making authority that has been delegated by council.

<sup>23</sup> section 81 *The Municipalities Act*, section 55 *The Cities Act*, section 100 *The Northern Municipalities Act, 2010*

## Role of Administration

### Administrator

The administrator is an important member of the municipal management team. The administrative organization of your municipality and reporting relationships of senior staff is set by council and generally reflects the municipality's size, services and priorities. Often the administrator reports directly to council and the other staff members report to the administrator. Department heads may also report directly to council.

Training your staff so they can carry out their duties and understand new developments in their field is very important.

### Duties of Administrator

Your administrator must:

- ensure that the policies and programs of the municipality are implemented;
- ensure that minutes of each council meeting are prepared and distributed in a timely way;
- provide professional advice and support for council's consideration and decision-making;
- manage the finances of the municipality;
- advise and inform council on the operation and affairs of the municipality; and
- manage, lead and direct the rest of the municipality's employees, unless council decides otherwise.

Council should expect that the administrator will:

- prepare and distribute council meeting agendas and supporting documents in a timely way, so council members can participate in the debate and make informed decisions;
- prepare easy to understand monthly financial statements that provide a snapshot of the financial position of the municipality; and
- provide well-researched and easy to understand reports that contain options to address issues, and a recommended course of action for council's consideration.

The administrator provides:

- financial management;
- operates the municipality in accordance with council decisions and policies;
- advises council on legislative and operational matters; and
- administration for the municipality.

## Employee Code of Conduct

Council shall establish a [code of conduct for employees](#) of the municipality. The code of conduct:

- provides an understanding of the rights, privileges and obligations of municipal employees;
- protects the public interest;
- promotes high ethical standards among municipal employees;
- provides direction for municipal employees when they are uncertain about ethical appropriateness of certain conduct (receiving gifts); and
- sets out the corrective measures for unethical conduct.

The code of conduct for employees will include rules about conflict of interest. Employees cannot:

- use information that is not available to the public for their personal benefit;
- seek to further the employee's private interests; and
- use his or her position to influence another person's decision in a way that a person's private interest would benefit.

The employee code of conduct will also describe what can be done when staff suspects that they have a conflict of interest.

An employee code of conduct:

- describes conduct that council sees as a conflict of interest;
- describes what will happen when a conflict of interest is suspected; and
- sets out corrective measures for unethical conduct.

## Conflict of Interest

Public education about conflict of interest is increasing across Saskatchewan, placing an increased importance for you to be aware of when you may be subject to a conflict of interest. Citizens expect integrity in the decisions and day-to-day operations of the municipality. Identifying, addressing and managing conflicts of interest are key to maintaining the public's trust.

The onus to declare a conflict of interest is solely on you. As an elected member of council, you have taken an oath or affirmation that you will perform the duties of your office which includes the conflict of interest provisions in legislation. If you fail to declare a conflict of interest, a voter or a council can apply to the court if they believe that you have violated the conflict of interest rules. Contraventions of conflict of interest provisions are reason for disqualification and only

the Court of Queen's Bench can determine if a council member has a conflict of interest or if they should be disqualified.<sup>24</sup>

The existence of a conflict of interest is not, in and of itself, evidence of wrongdoing. In many cases, it is virtually impossible to avoid having a conflict of interest while sitting on council. Declaring a conflict of interest is a healthy part of the decision-making process. As a member of council, you need to be able to be open about your personal interest and declare it. If you think you may have a conflict of interest, you probably do.

## What is a Conflict of Interest?

Conflict of interest provisions recognize that the judgment of even the most well-meaning person may be impaired when their own interests or the interests of a closely connected person is affected. A conflict of interest occurs when a person in public life is in a position where a private interest may, or may appear to, conflict with their role as a municipal council member.

Each council member is responsible for determining whether a conflict exists in a matter brought before council. Questions you may ask yourself are:

- Am I perceived to be financially or otherwise vested in the public issue?
- Are my private interests perceived to be in conflict with my public duty?
- Would a reasonably well-informed person consider that the interest might influence how the official's public duty is exercised?

If a council member is in doubt as to whether a conflict exists, they may wish to seek a legal opinion to ensure that relevant legislation and the common law is carefully considered. The consequences of violating conflict of interest rules are severe, therefore, a council member may wish to declare an interest if they are in doubt regarding a potential conflict.

## What May Not be a Conflict of Interest?

Legislation lists many situations that may arise while conducting municipal business where the need to declare a conflict of interest would not apply.

For example, a conflict of interest would not exist when a motion to pay the utility bills is presented to council where a member of council is employed by SaskPower.

Council members are also not considered to be in a position of conflict when setting the tax policy for the municipality, or when setting remuneration for members of council.

A full list of the situations where the need to declare a conflict of interest does not apply are found in subsection 143(2) of *The Municipalities Act*, subsection 115(2) of *The Cities Act*, and subsection 161(2) of *The Northern Municipalities Act, 2010*.

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<sup>24</sup> subclauses 147(1)(c)(ii) *The Municipalities Act*, subclauses 120(1)(e)(ii) *The Cities Act*, subclauses 165(1)(e)(ii) *The Northern Municipalities Act, 2010*

## What Do I Do When I Think I May Have a Conflict of Interest?

As a member of council, you cannot use your office to influence a decision made by another person to further your private interests or the private interests of a closely connected person.<sup>25</sup>

A council member must disclose an interest each and every time the matter, in which an interest is held, is brought before council. Disclosure of an interest at one meeting does not carry over to other meetings or last for the full term of council. If a council member is absent from a council meeting where a matter that the member has an interest is discussed, the member must disclose the interest at the next council meeting.

All situations of real or perceived conflict of interest, as well as bias, should be assessed with great caution. At any point where the subject of potential conflict arises, be it at a committee or council meeting, or even outside of a meeting format, legislation requires the member to abstain from voting and not participate in discussion in any way, be it formally or informally. Informal participation extends to being present in the room, as influence can be exerted through body language as much as verbal or written communication.

If an interest is properly declared, there is no conflict in the decision made by council. When an interest is declared, the declaration:

- occurs before any consideration or discussion;
- requires that the general nature of the conflict be disclosed;
- includes any material details that may reasonably be seen to affect the member's impartiality; and
- involves the person making the declaration leaving the room while the topic is being discussed and decisions relating to the topic are being made.

A declaration of a conflict of interest including the general nature, the material details, and the abstention or withdrawal from council chambers is recorded in the meeting minutes.

## What Can I Do if I Suspect Another Member of Council has a Conflict of Interest?

Individual council members are responsible to declare a conflict of interest. If you suspect that another councillor has a conflict of interest that is not being declared, you may:

- identify the concerns by informally speaking to the affected council member;
- formally raise the concern by making a resolution with a recorded vote or asking the administrator to place a notation in the minutes (this may already be in your council procedures bylaw);
- lodge a formal complaint under the code of ethics bylaw; and
- take the matter before a judge to make a determination.

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<sup>25</sup> section 144.2 *The Municipalities Act*, section 117.2 *The Cities Act*, section 162.2 *The Northern Municipalities Act*, 2010



Council members with a conflict of interest are legislatively required to:

- declare they have a conflict of interest when they have one whether they are present at the meeting or not;
- leave council chambers; and
- do not discuss the matter with other council members or staff.

**Declare, Disclose, Abstain, Refrain, Leave**

## Council's Role in Financial Management

Council is responsible for the financial position of the municipality. Council must manage the municipality's finances so that service and program priorities can continue to be delivered to citizens at a reasonable cost.

Council:

- creates a plan and a budget;
- monitors the financial position of the municipality throughout the year; and
- reports on the municipality's financial position at the end of the year.

As a council member, you are not expected to be an accountant or an auditor. Your administrator will provide you with the information you need, on the municipality's financial position.

## Budget Deliberations

When making these decisions, it is important to remember that you are responsible, as an elected member of the council, to safeguard taxpayers' money and to make the best use of financial resources. To be effective, decision-making should be outcome driven. When making a decision, council members should ask:

- What do we want to achieve?
- How does this fit into the big picture?
- What level of service should we provide?
- How do we make sure that the municipality is a sustainable service provider?

Level of service refers to the amount, quality and kind of municipal services provided. Level of service encompasses the idea that the services provided:

- are appropriate to the needs and desires of citizens;
- are financially feasible to provide; and
- may include municipal road networks, policing, fire protection, water, sewer, recreation facilities, and solid waste disposal.

Council determines the level of service provided by:

- consulting with the public;
- setting measurable performance goals;
- ensuring minimum service standard requirements are met;
- developing policies after careful analysis of information provided by administrators; and
- determining the cost associated with the level of service provided.

Council decisions help ensure that the municipality raises the required revenue to pay for the cost of services provided. Priorities that may shape budget decisions include:

- operating costs;
- proposed capital projects;
- infrastructure maintenance program – how to maintain current infrastructure to provide the level of service desired;
- infrastructure renewal plan – how to ensure infrastructure will continue to provide the level of service desired in the future;
- planning for growth; and
- financial commitments to maintain the health, safety and welfare of the residents.

Key questions council members should consider about revenue and spending include:

- How much will this cost the municipality?
- How much revenue is required to meet the goals and objectives of council?
- Are the costs associated with providing this level of service feasible?
- Will spending in this area create a desirable cost/benefit return?
- Are the risks associated with not doing this acceptable?

## Budget and Tax Rate

Council members determine the tax rate used to generate the revenues required to balance the approved budget. Relying on analysis and information provided by the administrator, council members decide:

- the amount of revenues generated by taxation;
- the distribution of tax rates on property assessments; and
- the distribution of taxation between property classes.

The nature of the tax structure that is implemented will form the municipality's tax policy. It is important to note that tax tools and tax policies do not work in isolation. Municipal officials should:

- discuss tax policy and the reasoning behind the decisions that have been made;
- review the impact of any tax tools and other authorities employed in the tax policy; and
- monitor collectables to determine if a change in policy might enhance the ability to collect.

No matter which tax policy decisions are made, it is a good idea to communicate the rationale behind the decisions. Keep ratepayers informed of current tax policy and the reasons that taxation choices were made. Council should be able to clearly explain the tax policy including the use of any tax tools or other authorities to their taxpayers.

More information about municipal tax policy is available in the [Municipal Tax Policy Manual](#).

## Borrowing

Borrowing is also a source of funding for municipalities. Buying or building capital assets often requires a major investment commitment from council. Municipalities are increasingly planning for and undertaking large, expensive capital projects. The magnitude and costs of these projects usually generate public interest in the municipality's capital plan. Citizens want to understand what council is proposing and why and how the financing of a project will affect them.

Involving citizens from the outset, by making information about council's proposals available, is important. Information should include:

- the total cost of the project;
- whether there are other sources of funding for the project;
- how the municipality intends to pay for its share of the costs (including through borrowing, etc.); and
- the impact on property taxes for property owners as a whole as well as for specific property owners.

Long-term borrowing enables a municipality to pay for capital projects and equipment over a period of years, often matching the term of the borrowing with the estimated useful life of the capital asset. In this way, those who benefit from the capital asset are the ones who pay for it.

The budget process:

- sets the amount, quality and kind of service provided;
- decides how much revenue is needed to pay operating and capital expenditures for the year;
- creates the tax policy; and
- determines whether borrowing is required.

## Financial Statements: Monitoring Municipal Finances

Council evaluates the financial position of the municipality throughout the year. Comparing year-to-date financial reports with the approved budget allows council to respond to changing priorities, unanticipated events and over-expenditures.

Your administrator will provide you with financial reports on a monthly basis. In addition, your administrator will explain large differences in budgeted expenditures compared to actual costs. If you do not understand the reports, it is important to ask the administrator to explain the information.

The annual audited financial statement is council's most important tool for reporting on the financial position of the municipality. The audited statements ensure accountability and transparency because it allows council and citizens to compare actual year-end results with the annual budget.

Council must appoint a qualified auditor each year to report to council on the financial affairs of the municipality.<sup>26</sup> A qualified auditor is as a member in good standing of a recognized accounting profession that is regulated. Your auditor must be able to meet your municipality's terms and deadlines for submitting the audit. The financial statements must be prepared by June 15 (September 1 in cities)<sup>27</sup> for the period ending December 31 of the previous year.<sup>28</sup> The audited financial statements must be sent to the Ministry of Government Relations by July 1<sup>29</sup> (September 1 for cities).<sup>30</sup>

The auditor also prepares a report on your audited financial statement. The report tells council about any:<sup>31</sup>

- problems found with the municipality's accounting procedures or internal controls;
- funds spent without proper authorization;
- issues that council should be aware of; and
- recommendations for council action.

Council may wish to invite the auditor to a council meeting to discuss the report and the audited financial statement.

The municipality must advertise that the audited financial statements are available to the public at the municipal office by September 1.<sup>32</sup> Many municipalities post a consolidation of their financial statement on their website, in a paper that circulates in the municipality or send a copy of the consolidated financial statement in the mail to each ratepayer.

#### Financial statements:

- are an important tool to monitor the municipality's financial position;
- provide a measure of expenditures compared to budgeted amounts; and
- include a report to council about potential issues found during the audit.

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<sup>26</sup> section 189 *The Municipalities Act*, subsection 159(1) *The Cities Act*, subsection 210(1) *The Northern Municipalities Act, 2010*

<sup>27</sup> subsection 156(1) *The Cities Act*

<sup>28</sup> subsection 185(1) *The Municipalities Act*, subsection 207(1) *The Northern Municipalities Act, 2010*

<sup>29</sup> section 185 *The Municipalities Act*, subsection 208(1) *The Northern Municipalities Act, 2010*

<sup>29</sup> subsection 186(1) *The Municipalities Act*,

<sup>30</sup> subsection 157(1) *The Cities Act*

<sup>31</sup> section 189 *The Municipalities Act*, section 160 *The Cities Act*, section 211 *The Northern Municipalities Act, 2010*

<sup>32</sup> subsection 185(3) *The Municipalities Act*, subsection 155(3) *The Cities Act*, subsection 207(3) *The Northern Municipalities Act, 2010*

## Stewardship of Assets

Capital assets typically form a large part of the municipality's net worth. Municipal infrastructure exists to provide services to the community. Council needs to make sure the municipality's infrastructure is providing the services the community depends on. Your municipality needs to install, operate, maintain, upgrade and dispose of infrastructure assets including:

- roads;
- water and sewer lines;
- lagoons;
- landfills; and
- buildings.

Operating and sustaining assets with limited funds means a municipality needs a good system to prioritize spending. By using good asset management practices and principles, council can better understand how municipal assets work, what they cost to operate and what levels of service they provide. Council wants to ensure residents are getting the best bang for their buck when it comes to local infrastructure and the services it provides.

Good stewardship means you make the right decisions to obtain the best value. Minimizing costs may pose risks which also need to be considered in your decision-making.

### Asset management:

- helps to provide the greatest return on investment;
- balances operating costs against desired performance; and
- requires a good priority system.

## Getting Down to Business

### Making Decisions

Councils make decisions by passing bylaws and resolutions approved by a majority vote of council members at a meeting that is open to the public. If there is a tie vote, the vote on the bylaw or resolution is defeated.

Legislation tells you when a bylaw is required. Generally, council passes bylaws for matters that have a long-term or broad impact on the public such as making laws for your municipality (e.g. zoning, animal control, etc.) or setting property tax tools.

Resolutions are a formal expression of council's decisions. Resolutions usually deal with routine or administrative matters, such as approving monthly financial statements or accounts for payment, or buying or selling real estate.

## Fair Decision-Making

Councillors must look after the interests of the entire municipality. If you are in a municipality that has wards or divisions, you will have to be careful not to place the interest of your ward or division above the interest of the whole municipality. Your effectiveness depends on providing input as a representative of an area while thinking and voting for needs of the whole municipality.

The path to a good decision does not always follow a straight line. When making decisions:

- respect other people's opinions;
- work together as a team;
- seek out everyone's opinions;
- ensure you express your views during a debate;
- insist a professional debate of important issues in a respectful setting; and
- for complicated matters, call on experts.

Council members should be courteous, timely, clear and direct in communicating with each other, with employees and with the public. This means that you:

- take time to listen;
- are approachable;
- respect confidentiality;
- are clear with people about what you can or cannot do; and
- apologize if you make a mistake.

As a council, you want the decisions to be fair. Council establishes municipal policies to:

- ensure that its decisions are implemented consistently;
- manage the expectations of citizens;
- describe how municipal staff will handle daily operations; and
- establish municipal jurisdiction.

Council decisions impact citizens of a municipality directly, so it is important to hear from the public. In making decisions, council may ask:

- Are we hearing all sides of a question?
- Is there someone who we are not hearing from who will be affected by the decision?
- Was the public consulted or should it be?
- Does council have all the relevant facts?
- Are we basing our decision on fact and law or on feelings and opinions?
- Can you explain your decision to the people affected by it?
- Is the decision consistent with other decisions made in similar circumstances?
- Is the decision consistent with the evidence considered?
- Should a policy be established?

It is important to communicate council decisions with the public. Make sure you explain why you have made a decision. People will complain when they think they are treated unfairly. People who are heard and treated with respect are less likely to complain and more likely to accept a resolution or settlement that is not what they initially wanted.

Making decisions:

- is a team effort;
- includes listening to other councillors and the public;
- may include expert advice; and
- affects people directly, so be able to explain your decisions.

## Meetings

Councils are required to conduct their business in meetings that are open to the public. This ensures that the public can hear the debate and know what was decided. Legislation allows councils to meet in a closed or “in camera” meeting only in very specific legislative situations. Closed sessions are for discussion purposes and no decisions of council can be made. Once in open session, if needed, a resolution may then be placed in the minutes.

Councils are required to hold regular council meetings, as established in the municipality’s council procedures bylaw. Councils can also hold special meetings in addition to regular meetings. Special meetings are usually held when important or unforeseen business arises that needs to be dealt with before the next regular meeting.

Council members have a legislated responsibility to attend council meetings. A council member is disqualified from council, and must resign their seat, if they are absent from all regular council meetings held during a period of three consecutive months during which at least two council meetings have been held, starting with the date that the first meeting is missed, unless council has authorized the absence by resolution.

Council meetings may be conducted electronically, such as over the phone or through video-conferencing. This provides an option to accommodate council members who, due to work or other responsibilities, are unable to attend the meeting in person. Council may add provisions regarding electronic meetings in the council procedures bylaw as public notice is a requirement.

A legally constituted meeting:

- is a regular meeting in accordance with a resolution and the council meeting procedures bylaw;
- is a special meeting called in accordance with legislation and the council meeting procedures bylaw; and
- requires notice to the public and to council members be provided when required.

## Quorum

Council meetings require a majority (50 percent plus one or a “quorum”) of council to be present before a meeting convenes and at all times during the meeting. There are exceptions to requirements for quorum when a member declares a conflict of interest and withdraws from a meeting. A council member who participates electronically is considered present at the meeting.

## Council Procedures Bylaw

A council procedures bylaw sets out the way council conducts its business so that meetings are more orderly and efficient. This benefits not only the council members and staff, but also members of the public. Procedure bylaws cannot establish rules or procedures contrary to the provincial legislation.

Every municipality must have a council procedures bylaw in place. The procedure bylaw must cover:<sup>33</sup>

- rules for the conduct of members of council;
- rules about the confidentiality, transparency, openness and accessibility of documents to be discussed or that are presented to council;
- rules surrounding items to be discussed by or presented to councils;
- rules about delegations, presentations and submissions;
- the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places;
- the procedure to be used to call a special meeting;
- the procedure to close all or a part of a meeting; and
- the procedure to appoint an elected official as a deputy reeve/mayor, or an acting reeve/mayor if he/she is unable to perform the duties.

A more detailed procedures bylaw would also cover:

- calling the meeting to order and quorum;
- postponing the meetings;
- agenda;
- minutes;
- bylaws;
- rules of debate;
- voting on motions;
- conflict of interest notations;
- committee of the whole;
- committees and committee meetings; and
- revisiting decisions of council.

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<sup>33</sup> subsection 81.1(2) *The Municipalities Act*, subsection 55.1(2) *The Cities Act*, subsection 100.1(2) *The Northern Municipalities Act, 2010*



Council committees and other bodies established by council also need written meeting rules.<sup>34</sup> The rules may be different. Council may ask the entity to establish their own rules, but council must make sure that the rules are in writing and are publicly accessible.<sup>35</sup>

A sample template for a council procedures bylaw is available on the Government of Saskatchewan website at [saskatchewan.ca](http://saskatchewan.ca).

## Voting at Meetings

A simple majority vote of members present at a meeting decides a matter.<sup>36</sup> However:

- unanimous consent of members present is required to authorize three readings of a bylaw at a single meeting;<sup>37</sup>
- unanimous consent and full attendance is required to consider items not included on the notice of a special meeting;<sup>38</sup> and
- the procedure bylaw established by council may require a higher percentage of votes for certain motions.

## All Members Must Vote

Legislation requires every member of council, including the mayor or reeve, votes on every question.<sup>39</sup> If there is a tied vote, the motion is defeated. A passed motion must have consent from a majority of council.<sup>40</sup>

You cannot abstain from voting unless you have a conflict of interest. If you abstain from voting for any other reason, legislation deems your vote as a vote in the negative.<sup>41</sup>

It is important to make resolutions and vote on matters council debates, even if council chooses to do nothing, so that the public has a record that council has considered the topic.

## Chairing the Meeting

The chair maintains order at a meeting and facilitates debate on questions before council or a committee. This is an acquired skill that does not always come naturally. Chairs need the following skills:

- Aware of the rules
  - Familiarize yourself with the council procedures bylaw.
- Prepared
  - Review the agenda to become familiar with items to be discussed at the upcoming meeting.

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<sup>34</sup> subsection 81.1(5) *The Municipalities Act*, subsection 55.1(5) *The Cities Act*, subsection 100.1(5) *The Northern Municipalities Act, 2010*

<sup>35</sup> subsection 81.1(5) *The Municipalities Act*, subsection 55.1(5) *The Cities Act*, subsection 100.1(5) *The Northern Municipalities Act, 2010*

<sup>36</sup> section 100 *The Municipalities Act*, section 73 *The Cities Act*, section 115 *The Northern Municipalities Act, 2010*

<sup>37</sup> subsection 103(4) *The Municipalities Act*, subsection 77(4) *The Cities Act*, subsection 119(4) *The Northern Municipalities Act, 2010*

<sup>38</sup> subsection 123(4) *The Municipalities Act*, subsection 97(4) *The Cities Act*, subsection 141(4) *The Northern Municipalities Act, 2010*

<sup>39</sup> subsection 99(2) *The Municipalities Act*, subsection 72(2) *The Cities Act*, subsection 114(2) *The Northern Municipalities Act, 2010*

<sup>40</sup> section 102 *The Municipalities Act*, section 76 *The Cities Act*, section 117 *The Northern Municipalities Act, 2010*

<sup>41</sup> subsection 99(3) *The Municipalities Act*, subsection 72(3) *The Cities Act*, subsection 114(3) *The Northern Municipalities Act, 2010*

- Timely
  - Start meetings on time. Few things can frustrate members more than waiting for members who are late.
  - Ensure the debate remains productive.
  - When discussion becomes repetitive, consider summarizing the debate and asking if anyone has other points to offer. If there are none, perhaps the members are ready to vote on the matter.
  - If more information is required, consider asking for a motion to postpone the item.
- Impartial
  - Although the chair will have a position on most matters before the meeting, it is important that decisions as the chair be based on meeting principles, and not on a personal viewpoint.
  - Encourage participation from members who may be less vocal, particularly if one or two members appear to be monopolizing the debate.
- Firm
  - Stay on course.
  - Discourage discussions not related to the business at hand.
  - Discourage private discussions when another member attempts to address council.
- A team player
  - The chair does not have any special power respecting the decision-making process.
  - The chair has one vote only, just like any other member.
  - The chair cannot veto a decision of council.

Restoring order to a meeting is usually more difficult than maintaining order. The chair may need to use the following actions:

- Use the gavel
  - The sharp sound of a gavel tapping against the sound block will usually interrupt offending conduct. If you do not have their attention by that time, continuing will likely not bring about the desired results.
- Ask for a recess
  - Sometimes a brief recess (five to ten minutes) may allow members to gather their thoughts. During this time, the chair may consider having a quiet discussion with the member(s) who may be contributing to the disruption.
- Refer the contentious item
  - If a particular item is controversial, it may be beneficial to postpone it, refer it to a committee for further information, or reschedule it to a special meeting.
- Ask for an adjournment
  - Participants may decide it is not productive to continue the current meeting. Hopefully, the meeting has dealt with all essential business prior to this action.

## Meeting Resources

For information on types of motions and the order of precedence, see Roberts Rules of Order Online at <http://www.rulesonline.com/>.

Information about improving the efficiency and effectiveness of meetings is available under *Insights, Articles and Ideas* by Eli Mina, Registered Parliamentarian at [www.elimina.com](http://www.elimina.com).

### Meetings:

- are open to the public;
- are how councils conduct municipal business;
- are conducted according to the council meeting procedures bylaw;
- must be attended by a quorum of council; and
- require that all elected officials present vote unless a conflict of interest is declared.

## Minutes

The minutes show decisions that council made at a meeting by recording resolutions passed or defeated. Minutes do not record individual opinions.

Minutes contain very few notations. Some notations that are important to record are:

- declarations of conflict of interest; and
- information about delegations.

The administrator (clerk in cities)<sup>42</sup> asks that council approve previous minutes at the next regular council meeting.<sup>43</sup> Following approval, the administrator and the presiding officer signs the last page of the minutes. Good administrative practice includes the administrator and presiding officer initialing each page of the minutes, other than the signature page.

It is important to read and note errors and declarations of conflict of interest because the minutes are a permanent public record of council's decisions.

## Bylaws<sup>44</sup>

A municipality has the jurisdiction to pass bylaws and includes the power to:

- regulate places, things and activities;
- deal with development, activities, industries, businesses or things in different ways by dividing them into classes or subclasses; and
- provide for a system of licences, inspections, permits or approvals.

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<sup>42</sup> clause 85(2)(c) *The Cities Act*

<sup>43</sup> clause 111(2)(c) *The Municipalities Act*, clause 127(2)(c) *The Northern Municipalities Act, 2010*

<sup>44</sup> section 8 *The Municipalities Act*, section 8 *The Cities Act*, section 8 *The Northern Municipalities Act, 2010*

Some municipal bylaws are about how the municipality is going to operate. Other bylaws may impose responsibilities or limitations on citizens or business owners. Legislation provides numerous ways to enforce the bylaws. For example, council may:

- create offences, including continuing offences;
- impose fines payable upon summary conviction;
- provide for voluntary penalty payments for offences; or
- provide for inspection to ensure compliance with bylaws.

It is important to build support for proposed bylaws early in the process. Methods of public participation may include:

- notices on municipal websites;
- invitations to submit comments regarding the proposal;
- surveys or opinion polls;
- setting up committees, task forces or focus groups to provide recommendations; or
- meeting with the public or identified stakeholders.

In some cases, notably zoning bylaws, the public must be provided notice and are guaranteed an audience with council to present their views at a public hearing.

All of these measures provide information to council enabling them to develop policy that is more in tune with community expectations. These efforts can lead to greater acceptance and this, in turn, should increase compliance rates. After a bylaw is passed, it is also important to make sure the public is aware of it.

## **Matters that Must Be Dealt with by Council**

There are many things that council alone must deal with<sup>45</sup> – you cannot delegate the decision to a committee or other body. Your administrator will advise you when council cannot delegate. Some decisions that council cannot delegate include:

- adopting budgets;
- borrowing money;
- establishing a purchasing policy;
- creating council committees and other bodies and define their functions; and
- appointing, suspending or dismissing an administrator or a full-time municipal solicitor.

## **Matters that Require Public Notice Before Being Dealt with by Council**

In some cases, council cannot consider an item at a meeting until the public has received notice.<sup>46</sup> Your administrator will advise you when public notice is required according to your public notice bylaw. Choosing to debate and decide on a matter without providing appropriate public notice, when it is required, enables any voter to legally challenge the decision made. For example, public notice is required when council intends to discuss:

- borrowing money;
- establishing a purchasing policy;
- leasing land for less than fair market value without a public offering;

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<sup>45</sup> section 127 *The Municipalities Act*, section 101 *The Cities Act*, subsection 119(2) *The Northern Municipalities Act, 2010*

<sup>46</sup> subsection 128(1) *The Municipalities Act*, subsection 101(2) *The Cities Act*, subsection 146(1) *The Northern Municipalities Act, 2010*

- setting remuneration for council members; or
- permanently closing a road.<sup>47</sup>

## Personal Immunity/Liability

As an elected member of council, you can be held legally liable for decisions to act or not to act.

Council members make decisions at council meetings. **Individual council members, including mayors and reeves, have no authority to act on their own:**

- If you decide to purchase a mower for the municipality without prior approval because you found one that was a “good deal”, you may find that you are responsible to pay the price of that mower out of your personal funds.
- If your council has authorized the purchase of a piece of equipment and you decide to cancel the order for any reason, you may find that any order cancellation costs may be payable by you personally instead of by the municipality.

On the other hand, if you are aware of a dangerous situation on one of your roads and your council fails to take any action, it may find that the situation may cause a liability to the municipality; or if you as a councillor have noticed a dangerous situation and you fail to take the appropriate action by reporting it to administration, you may be personally held responsible for failing to report the danger.

Your municipality may wish to develop a policy about reporting situations that pose a potential risk. A written policy:

- may protect council members from potential liabilities; and
- will give staff direction informing them of council’s expectations when situations pose a risk to the municipality.

Legislation protects you as a member of council, a member of a public utility board established by council, a member of a council controlled corporation or a municipal officer, volunteer or agent, but only **when you are acting in good faith**,<sup>48</sup> in your duties as an elected municipal council member.

## Citizens’ Access to Information

Citizens are provided access to information to:

- know about the decisions of council;
- be aware of the services and programs available and how they are delivered; and
- understand how they can get answers to their questions.

When citizens attend council meetings, they should be made to feel welcome and not as though they are intruding. Council business is and should be the concern of every citizen. Because of this, legislation contains provisions for making council documents available for inspection by the public during normal business hours.<sup>49</sup>

<sup>47</sup> subsection 13(4) *The Municipalities Act*, subsection 13(6) *The Municipalities Act*, subsection 13(4) *The Northern Municipalities Act, 2010*

<sup>48</sup> section 355 *The Municipalities Act*, section 317 *The Cities Act*, section 375 *The Northern Municipalities Act, 2010*

<sup>49</sup> subsection 117(1) *The Municipalities Act*, subsection 91(1) *The Cities Act*, subsection 133(1) *The Northern Municipalities Act, 2010*

Any document that is presented at an open council meeting should be available to the public, as a general rule. Not only may citizens see the documents at the municipal office, they may also ask for copies of any of these documents. Minutes, financial information, accounts paid, contracts and reports are available to the public on request.

It is important to understand that, under *The Local Authority Freedom of Information and Protection of Privacy Act*, any municipal records with limited exceptions are accessible when an application is made.<sup>50</sup> *The Local Authority Freedom of Information and Protection of Privacy Act* also requires municipalities protect personal information of citizens, employees and others.<sup>51</sup> Some information may be blacked out before records are given.

Access to information:

- citizens are entitled to municipal information;
- minutes, financial information, accounts paid, contracts and reports are available to the public on request;
- all municipal records are accessible; and
- personal or private information must be protected.

## Citizen Complaints

Councils should make every effort to work with citizens to address their concerns because council is elected by and accountable to its citizens. It is always ideal when the municipality can resolve a complaint. Policies about how complaints will be handled and who responds to the matter may help council efficiently manage the issue.

A good communication strategy or ratepayer consultation when changing policies or enacting bylaws may reduce the number of complaints received. Treating citizens on the principles of fairness, accessibility, responsiveness and efficiency will create a better relationship. When citizens feel informed and included in decisions, they are less likely to complain.

Further information on options available to citizens in dealing with council are found in *A Citizen's Guide to Shaping Council Decisions*, developed by the Ministry of Government Relations and found on the Saskatchewan.ca website.

Citizens can take their complaints further if they feel that the municipality has not treated them fairly. Citizens may file a complaint with Ombudsman Saskatchewan, who has authority to investigate complaints relating to administrative actions of the municipality or a municipal employee.

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<sup>50</sup> section 5 *The Local Authority Freedom of Information and Protection of Privacy Act*

<sup>51</sup> section 28 *The Local Authority Freedom of Information and Protection of Privacy Act*

Ombudsman Saskatchewan is a neutral, impartial and independent organization. Unlike a judge, the Ombudsman does not take a position on matters of public policy. After an investigation, the Ombudsman can make recommendations to a municipality if the Ombudsman finds that a municipality:

- has made a decision or acted in a way that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or based on a mistake of law or fact;
- has exercised a statutory power, duty or function for an improper purpose, on irrelevant grounds, or by taking into account irrelevant considerations; or
- should have given reasons for a decision or action.

Information about Ombudsman Saskatchewan is available online at <https://www.ombudsman.sk.ca>.

All citizens have a fundamental right to challenge a decision made by council to the Court of Queen's Bench if they believe that a municipality is acting outside or contrary to the law.

Accountability:

- most citizens' complaints can be resolved through discussion;
- take time to listen to citizens;
- citizens may elevate their complaints to the Ombudsman; and
- all citizens have a right to take a municipality to court.