

Guide for

New
Municipal
Councillors

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November 2016



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ISBN: 978-1-55457-698-2

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Congratulations on your election as a municipal councillor! You have been chosen by your constituents to represent their interests and priorities in guiding your community forward. This is an important role as you and your fellow councillors will be making decisions potentially affecting all members of your community. It is a great responsibility but also an exciting opportunity to serve your community and represent their interests.

This guide is intended to provide you with a brief overview of your role and responsibilities as a newly elected official. It is only intended as an introductory guide and will not cover every potential issue you may face as a municipal councillor. The guide is intended to provide helpful advice that may help you in your time spent as a member of council. It has been developed to help supplement any training you may receive from your own municipality, the Department of Municipal Affairs, and the Union of Nova Scotia Municipalities. It includes web links for further information should you wish to learn more on a specific topic or are interested in more information.

This guide has been prepared by the staff of the Department of Municipal Affairs. It may not entirely reflect the specific policies and procedures which are currently in place for your municipality. At the end, you will find a variety of additional sources should you require further information. If any information in this guide conflicts with the relevant legislation, then the legislation prevails. You may also be able to direct questions as a new member of council to your fellow councillors, your chief administrative officer, or the Department of Municipal Affairs. This guide is not a substitute for legal advice and any questions regarding a specific situation should be directed to a lawyer.

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Introduction to Municipal Government

Municipal governments in Nova Scotia have a long history, predating even the founding of Canada. In 1841, Halifax became the first incorporated municipality in Nova Scotia. When Nova Scotia joined confederation under the Constitution Act (1867), municipalities became a responsibility of the provincial government. This means that all legislation which enables and restricts municipal governments comes from the provincial legislature.

As the number of incorporated municipalities in the province grew, the Union of Nova Scotia Municipalities (UNSM) was established in 1906 to represent their interests. The UNSM continues to help municipalities in creating strong vibrant communities and advocates for their interests.

Currently, there are 51 municipalities and 21 villages in Nova Scotia. Together, these local governments include more than 400 elected officials and more than 7,000 municipal employees. All directly elected officials in municipalities serve a four-year term and municipal elections across the province are held accordingly every four years.

Role of Provinces and Federal Governments and Legislative Framework

Despite no formal constitutional status, municipalities are granted many government powers by provinces such as the ability to tax property, make laws (bylaws), and expropriate land for municipal needs. In Nova Scotia, this means that municipal governments are governed by the Municipal Government Act (MGA).

This legislation sets out the roles and responsibilities of municipal governments along with the granting and restriction of their powers. The MGA also sets out the limitations on municipal powers along with regulations on oversight. There are other pieces of legislation which refer to municipal issues, however, the MGA is the main governing document of municipalities.

The MGA came into effect in 1999 and is reviewed and amended in consultation with municipalities, the UNSM and the provincial government. Currently, the MGA is undergoing a revision and your municipality may be consulted during this process. Municipalities may also find themselves interacting with various federal departments and agencies, however, the granting and restriction of their powers lies with the provinces.

Areas of Municipal Responsibility

Under the MGA in Nova Scotia, there are no required services to be provided by a municipality. Some services are also governed by additional legislation. However there are a number of different services which a municipality may opt to provide. These include:

- Police and fire protection services
 - Also see Police Act Section 35 (1) – “Every municipality is responsible for the policing of

and maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.”

- Solid waste collection
- Parks and recreation areas/community centres
- Wastewater treatment
- Streets and sidewalks
 - Including snow removal
 - Parking enforcement
- Economic development initiatives
- Tourism and cultural initiatives
- Animal control
- Building and fire code inspection
 - Also see Building Code Act Section 5 (2) –
“A building official or building officials shall be appointed by each council to administer and enforce this Act in the municipality.”
- Public transit
- Zoning and land use planning

It will be helpful to familiarize yourself with the different services your municipality provides in order to better understand the priorities for your council. Assessing which services will be provided and what service levels are offered is one of the most important tasks a council will face.

Organizational Structure

Municipalities can be divided primarily along the lines of separation between elected officials and municipal staff. The elected officials include the mayor/warden and councillors who are elected by during municipal elections. All municipal staff with the exception of the chief administrative officer (CAO) are hired by the municipality to run the operations. The CAO is the only member of the municipal staff who is directly hired by council.

Council

The council of your municipality is composed of members who have been elected by your local voters. They may be elected by ward (divided by districts) or at large (across the entire municipality) depending on the system your local area utilizes. A council will have a minimum of three members but many councils are larger depending on the size and number of polling districts.

Council members are elected to represent the entirety of their municipality, even those who have been elected under the ward system. It is important to remember that councillors are elected to represent the interests of all their constituents. Council should be viewed as a unified decision making body, meaning that no one councillor is more important than any other and each member is entitled to a single vote.

Mayor or Warden

A mayor is elected at large by all voters in a municipality and acts as a chairperson of council meetings. While the mayor presides over council meetings, this position has the same single vote as other councillors.

The mayor is often considered the leader of a council and has a few additional responsibilities. It is important to remember, however, that the mayor is another member of council with no extra power on decision making. While mayors should provide some leadership to their councils, they should not use their powers to direct or focus councils on any personal agenda or attempt to influence voting.

A warden has a similar position to a mayor but is a member of council elected to the position of warden by their fellow councillors instead of directly by the voters. The warden has all of the same powers of a mayor. The position of warden is mostly found in rural municipalities although a municipality may still opt to use general voting to elect a mayor.

The term of a warden is determined by the individual municipality, however, many use a term of two years. At the end of those two years, the council may choose to nominate and vote on the current warden or opt for a new chairperson. For the purposes of this guide, the term mayor will be used throughout but most wardens will have similar responsibilities.

Chief Administrative Officer/Municipal Staff

The chief administrative officer (CAO) is the primary member of a municipal staff to interact with council. The person in this position acts as the manager of a municipality making important decisions such as hiring employees, planning budgets, and managing operations. The CAO reports directly to council and is accountable to council for any decisions made under their authority as CAO.

Hiring a qualified CAO is one of the most important decisions a council can make in shaping how their municipality is run. It can be challenging to attract a qualified candidate for some smaller municipalities. Options such as a part-time CAO can help a community in finding a qualified person to fill the position full time.

Other municipal staff will have limited interaction with council. Municipal employees are responsible for the day-to-day operations of the municipality. It is not your role as council to manage staff. That is the responsibility of your CAO. Communications between staff and council should be limited only to providing reports or information for council. These types of updates should occur during regular council meetings and requests should be made through your CAO. It is inappropriate for council members to direct municipal staff. Any concerns regarding staff should be communicated directly to your CAO with other council members present.

Some smaller municipalities do not use a CAO as their primary administrator. For these communities a clerk/treasurer acts as the main administrator for the municipality while the council as a whole fills some roles of a CAO. This system does result in a larger workload for councillors and will result in slightly more contact between municipal staff and council. As a newly elected official, you will want to be familiar with the system your own community uses in order to plan for your time commitment and workload as a councillor.

Beyond the municipality, there are several organizations you should be familiar with as a council member.

Union of Nova Scotia Municipalities (UNSM)

The UNSM is the association responsible for representing the interests of Nova Scotia municipalities. All municipalities in Nova Scotia are members. The UNSM provides a number of services to their membership including programs, training sessions, and advocacy for its members. As an elected official, your municipality is a part of this membership and you will have access to the variety of resources the UNSM has for helping you and your municipality. For more information, visit the UNSM's website unsm.ca.

The UNSM advocates on behalf of Nova Scotia municipalities on many issues which are important to its membership. Many of these are found in the One Nova Scotia Report which addresses the challenges currently faced in the province and charts a course towards solutions. The UNSM also participated in the Towns Task Force in 2012 where recommendations were put forward for the challenges facing Nova Scotia municipalities. More information on the Towns Task Force can be found at unsm.ca/towns-task-force.html.

The UNSM page addressing municipal issues from the One Nova Scotia report can be found at myonensmunicipal.ca.

Association of Municipal Administrators (AMA)

The AMA is an association representing the administrative staff in Nova Scotia's municipal governments. This may include your CAO, financial staff or other professional administrators from your municipality. The AMA works closely with the UNSM, Province of Nova Scotia, and municipalities in serving on various committees, building relationships between stakeholders and helping to ensure a high standard for professional municipal administrators in Nova Scotia. For more information on the AMA, visit their website at amans.ca.

Federation of Canadian Municipalities (FCM)

The Federation of Canadian Municipalities represents municipalities across Canada on the federal level. The majority of municipalities in Nova Scotia are part of its membership. The FCM advocates in areas which have direct connection to the federal government for funding or regulations. Your council as a whole may be asked to provide input on various issues which affect your municipality. For more information on the FCM, visit their website at fcm.ca.

Department of Municipal Affairs (DMA)

The Department of Municipal Affairs is the provincial government department directly responsible for liaising with municipalities on a variety of issues. The department is responsible for the MGA as the governing legislation of municipalities. The department provides both oversight and assistance to municipal governments across the province. The department includes Municipal Services, the Office of the Fire Marshall, and the Emergency Management Office.

DMA can help your municipality in a number of different ways including information on programs, grants, funding opportunities and also offers services and guidance in areas such as budget planning, land use, infrastructure and policy and program development. The department's mandate is to help municipalities in ensuring healthy, safe and vibrant communities across the province. DMA's website can be found at novascotia.ca/dma.

Please note: On November 30, 2016, information for and about municipalities will move to a new government website at beta.novascotia.ca. When you use the URL above, you will be redirected to the new site and we encourage you to update your bookmarks at that time.

Roles and Responsibilities

Council

The primary role of a council member is participating in council meetings and committees. As an individual member of council you will be expected to attend, participate and vote in these various meetings. Missing three regular council meetings without permission can result in your dismissal from council. Regular attendance of councillors is expected under the MGA.

All council members are also required to vote during meetings and any non-vote will be deemed as a vote against the issue. However, a municipality may have a policy which records non-votes as a vote in the positive (for the issue).

Councillors should carefully review the pre-meeting packages provided. These packages will inform you of the agenda set for the meeting and provide important information on the issues. This will aid in following the meeting and allow you to have informed discussions on the issues with your fellow council members along with making informed votes on issues.

Staying informed on the concerns facing the greater community will also help you in discussing these issues when they arise at council. Best practices include speaking with constituents regarding their concerns in the municipality. Raising these concerns for your council is an important part of your role in voicing the concerns of your constituents. However, there is a time and place for specific discussions relating issues raised. Once council has moved to another item on the agenda, councillors should no longer continue to speak on previous issues.

It is important to remember that your fellow council members have also been elected to represent the community. Respectful and informed discussions on the issues are encouraged. Consider the perspective beyond your municipality and think about problems which may affect your region. Working with other councils and sharing resources can help provide innovative solutions to region-wide issues.

There will be many times when you may be on the losing side of a vote and this is not something to take as a personal slight. Councils are most effective when members respect the decisions of their peers and allow meetings to proceed smoothly.

Mayor/Warden

The mayor's most important job is to chair meetings and provide leadership for council. Prior to the meeting, the mayor will consult with the CAO to set the meeting agenda. It is their job to ensure that meetings proceed smoothly and that the agenda is followed. The mayor may also call a special meeting should an issue arise that requires immediate attention.

An effective mayor also provides leadership and direction to council but does not infringe on their opinions and voting. The mayor is not the political leader of council but rather a regular member with some additional responsibilities. While they are the chairperson for meetings, mayors are still members of councils and have the same voting powers as all councillors.

The mayor is often also a "public face" for the municipality. This can range from attending consultations with government to attending events or performing ceremonial functions. The mayor may also act as a public spokesperson in the media, however, this can be designated to another member should council choose to do so. Members of the public will often associate the mayor as the primary leader of a municipality. This is often due to the visibility of the mayor's role and not any additional powers granted. It is council as a whole that makes decisions for the municipality, not one individual person.

CAO and Municipal Staff

The CAO is directly hired by council to run the affairs of the municipality. This is the only employee to directly communicate and take instruction from council. Council is in turn expected to provide the CAO with guidance and direction on their priorities for the community. The CAO is required to implement plans, policies and projects for council. The CAO is also responsible for the preparation and submission of the annual budget and, following council approval, for administering the budget on behalf of the municipality.

Although the role of CAO is optional, the MGA does require a municipality to maintain specific staff positions. The required staff include clerk and treasurer (often the same person), engineer, and dangerous and unsightly administrator. Even in municipalities with no CAO, these positions are required to be filled under the MGA. These positions also have required duties to be completed by these employees under the legislation.

Depending on the size of your municipality, there may be a large or very limited number of municipal staff. In larger municipalities, these staff may not report to the CAO but rather to individual department heads or supervisors. It is important to remember that these staff are employees of the municipality and not the council itself. Any concerns should be brought before council and communicated to your CAO. Some municipal staff may be requested to present a report or provide additional information during a council meeting. This is one of the few exceptions where council may directly interact with municipal staff members in a professional capacity.

Policy and Strategic Direction vs Day-to-Day Operations

It is important to remember that, as a member of council, you are not responsible individually for the day-to-day operations of your municipality. This role is filled by your CAO and any staff hired to perform these duties.

This can be challenging when faced with complaints from citizens who may blame you for operational issues. Individual councillors should not provide direction or discipline to any municipal employees. This is the responsibility of your CAO. Any issues observed should be brought forward to your CAO and potentially before council for resolution. This is not always easy, especially in smaller communities, but it is important that members of council should remain focused on “the bigger picture” and not managing municipal staff below their CAO. This divide is also crucial in allowing your CAO to manage the municipality effectively.

Together with the rest of council, you are responsible for setting the overall services and programs that are delivered to citizens along with ensuring long-term growth and sustainability for the municipality. This includes establishing and enforcing bylaws, adopting a strategic plan, approving operating and capital budgets, and setting property tax rates. Your council must carefully consider their priorities to approve budgets and set service levels accordingly. Council may also want to adopt policies affecting staff or municipal operations. It is then the responsibility of your CAO to make sure that these decisions made by council are implemented by municipal staff.

Municipal Powers

Resolutions, Policies and Bylaws

Councils have several different options when voting on issues. Depending on the issue, they may choose to use a resolution, a policy or a bylaw. These powers have been granted to municipalities by the province under the MGA.

Resolutions – Resolutions are generally used when a council is conducting routine business. These are likely common administrative matters that require the approval of council. Resolutions are restricted to use for matters that do not specify a required bylaw under the MGA. They are not as strong as a bylaw and do not require the full public notice process required to pass a bylaw. An example of a resolution would be recognizing a local community member for their volunteer service.

Policies – For more important matters, a council may wish to set a policy on an ongoing basis. To regulate some specific issues, policies may be required under the MGA, should council choose to legislate on that issue. Examples would include the rate on overdue property taxes or the use of solid waste disposal facilities. For any issue which requires a resolution, council may also use a policy should they choose to do so. Policies are an important tool for council to set standards and procedures within a municipality.

Bylaws – Bylaws are the strongest legislative tool available to municipal councils. There are issues under the MGA where council is required to use a bylaw, although they may choose to utilize a bylaw for anything covered under a policy or resolution. Bylaws are often used for decisions which may have a long-term impact on the municipality as they are considered a stronger expression from council than a resolution or policy.

As a lawmaking body, it is crucial that council follow the proper procedure for passing a bylaw or it may be challenged in court. This includes a minimum of two readings at council meetings and public notice at least two weeks prior to the second reading. This will allow local residents to attend meetings and express their opinions on a proposed bylaw. These are the minimum requirements under the MGA. Your council may have even stricter requirements for the introduction and passing of a bylaw under their policies and all new councillors should be aware of their municipality's policies.

Areas of Jurisdiction

Municipalities are permitted to make resolutions, policies or pass bylaws concerning any areas delegated to them under the MGA. However, council members should be aware of any federal or provincial legislation which could potentially affect their decision. For example, zoning and land use planning for lands around an airport involves federal jurisdiction. Any municipal legislation may be overruled by provincial or federal statute under their respective jurisdictions.

It is important for council and their CAO to consult any relevant levels of government which may be affected by council action. Consulting prior to a project with relevant provincial and federal departments will help prevent possible delays and jurisdictional issues.

Limits on Council Action

Council should be aware of the limitations on their actions. A municipal bylaw cannot override any existing provincial legislation. By attempting to act on a power not granted to municipalities under the MGA, a council may open itself up to legal action. If a council has questions regarding its ability to act on a specific issue, it should first contact its municipal solicitor. Members of council should familiarize themselves with the areas of municipal jurisdiction and act within that scope.

- If a municipality acts beyond its scope of authority a court may strike down the action as “ultra vires” meaning beyond their legal power or authority.

Policies and Procedures

Your municipality may have already developed an organizational bylaw and procedural bylaw. An organizational bylaw sets out the structure of the municipality while a procedural bylaw covers council and the correct procedures for setting, announcing and conducting meetings. Some municipalities may also have a code of conduct for staff, elected officials, or both. As a councillor it will be helpful to familiarize yourself and understand the rules specific to your municipality. Council should also review these bylaws regularly to ensure that they are functioning for the current needs of the municipality.

Council Business and Meetings

Your council should have already set regular meetings on a recurring day and time in order to ensure local residents can predict when council meet and be in attendance. Your municipality may have a procedural bylaw which establishes time, date, location and public notice for meetings. This bylaw should be reviewed often to ensure that the current procedures meet the needs of your municipality.

Generally, meetings are on a weekday evening to ensure that both councillors and residents can attend. While council can meet privately on specified matters, all decisions and voting should be made during public council meetings. For all open council meetings, minutes are drafted and sent to members of council prior to the start of their next meeting.

Meeting Minutes

Minutes of each council meeting are recorded and distributed to members of council following the meeting. At the beginning of the next meeting, council will approve of the minutes for the previous meeting. These minutes are available to the public and allow residents to review the business of council if they are unable to attend a meeting. Many municipalities post these minutes on their website or provide other methods of public access.

Conduct of Business

A council meeting will proceed according to the agenda prepared by your CAO. Following the approval of the previous meeting's minutes, council will move to the agenda for the current meeting. This will be the agenda that the mayor will follow when chairing the meeting. Generally, an agenda will start with the most important items of business and move down to the least important. This allows for increased engagement on the most important issues facing a municipality.

Your CAO should distribute the agenda and any additional documents prior to the meeting so you can review them. Reviewing these documents will allow you to follow the meeting as it progresses and participate in discussions on the issues.

Rules of Procedure

The rules of procedure for your council meetings may already be established in a procedural bylaw. These are the rules which determine how council meetings are conducted. A council may have established their own or use a standard version such as *Roberts Rules of Order* or *Bourinot's Rules of Order*. Familiarizing yourself with these rules is an important part of understanding how your council will conduct business during meetings. It would be helpful to have a reasonable understanding of your council's specific rules prior to your first meeting.

Attendance/Preparation for Meetings

Councillors are expected to be in attendance for meetings. Missing more than three consecutive regular meetings without permission from council could result in your dismissal. Preparation is also extremely important in your role as a councillor. Without proper preparation, it may be hard to follow discussion and provide an informed vote on an issue before council. Serving as an elected official can be a rewarding experience, but it does take commitment and preparation to be effective as a member of council.

Quorum and Voting

Quorum is the number of councillors present that is required to have a valid vote. Under the MGA, a council is required to have a majority of the maximum number of possible elected members including the mayor. This means that if there are six elected officials on council, then a minimum number for quorum would be four including the chairperson for the meeting. Because voting is mandatory, as long as you are in attendance, you will be counted as part of quorum.

Legal Considerations

It is important that council conducts itself in accordance with the MGA along with any rules or procedures adopted by your municipality. A council could open itself up to legal action should it act outside of its jurisdiction as set out under the MGA. Council should not attempt to legislate in any areas of provincial or federal jurisdiction. The specific areas of municipal jurisdiction can be found in the MGA under Part III – Powers.

Open/“In Camera” (Closed) Meetings

With the exception of limited circumstances, all council and committee meetings should be open to the public. This allows citizens to voice their concerns and allows council to operate in an open and transparent manner throughout the legislative process. When council meets privately, these closed meetings are known as “in camera.” Council is permitted to meet in camera to discuss the following issues:

- Purchase, sale or lease of municipal property
- Prices for a tax sale
- Personnel issues, labour relations, or contract negotiations
- Litigation or potential litigation

- Legal advice eligible for solicitor-client privilege
- Public security

Only for these issues, set out in the MGA, is council permitted to meet privately. The purpose of private meetings is to protect sensitive information. Council cannot vote on a decision with the exception of procedural matters and directions to municipal staff or solicitors. If the matter requires a vote council must wait until a public meeting to vote on the matter discussed in camera. The meeting record will show the date and type of matter that was discussed but no further details. Discussion during a public meeting is still required prior to a vote on the issue. A closed meeting cannot be used to “rubber stamp” an issue prior to a public vote.

It is vital that you do not publicly discuss any matters which have been disclosed during a private meeting. It is possible to be held personally liable for publicizing information that results in a loss for your municipality. While the intention of municipalities is to be as transparent as possible, there will also be times when legal limitations prevent you from disclosing specific information.

Special Meetings and Emergency Meetings

Council may also hold additional meetings to deal with any urgent business that cannot be postponed until the next scheduled meeting. However, for these meetings, councillors must receive a minimum of three days of notice along with two days of notice to the public prior to the meeting. A special meeting may be called by the CAO at the request of the mayor or by a majority of the councillors submitting their own request.

Council is also permitted to hold emergency meetings with as much notice as possible under the circumstances. These meetings would be called by the mayor and do not have the same notice requirements as a special meeting. Emergency meetings are a rare event intended to deal with an immediate crisis event and not simply urgent council business.

Standing, Special and Advisory Committees

Committees will often be established to provide information and guidance to councils. Standing committees are created to advise council on ongoing business such as financial matters or land use planning. A council may also establish a special committee to provide further information to council on a specific issue and the committee will be dissolved once council has found a resolution.

Your council may establish committees for any purposes it believes are required. Councillors may serve on committees alongside members of the general public. Committee members are appointed by council and any member of council may serve on a committee. For special committees, a councillor would not be appointed if there was a conflict of interest at issue. Committees are intended to provide council with recommendations and do not carry decision making power themselves. Committee meetings should be open to the public and are subject to the same public notice requirements as council meetings outlined above.

Conflicts of Interest

General Ethics Overview

As an elected official, you can be held accountable for a breach of ethics to both the general public and any government regulations concerning your position. You have been elected to serve the public good, not to use your position to increase your personal wealth or that of your family. When making decisions as an elected official, it is always important to consider the ethics of your choices. While the majority of elected officials do not breach ethical guidelines intentionally, it is important to be aware and avoid any accidental violations.

A “conflict of interest” occurs when a matter before council will result in a net benefit for yourself or any of your family members, friends, etc. An example would be council deciding on the company to use to repair a municipal public pool and your spouse’s pool service company has provided one of the bids. Any doubts you may have of a conflict should be disclosed or at a minimum discussed with a solicitor for further clarity.

As a councillor it is your responsibility to be proactive in knowing the upcoming agendas for council meetings. This is so you can make yourself aware of any potential conflicts of interest. Failing to disclose, even if unintentionally, can still create unnecessary headaches during your time as a councillor. As an elected official, you may also want to consider the perception of a conflict or ethical breach. While an issue may not exist, the perception of one could be damaging to both your reputation as an elected official and your municipality.

Avoiding conflicts of interest is extremely important as a municipal councillor. Becoming involved in a conflict of interest can cause potential legal issues both for yourself and the municipality. Legislation has been created to protect the public and municipalities from being used for personal gain by elected officials or their families. The Municipal Conflict of Interest Act (MCI) defines who related to you may have a pecuniary (monetary) interest in a matter before council. This includes direct family members and spouses. The full text of the MCI can be found online at nslegislature.ca/legc/statutes/muncpcf.htm .

Limiting Your Participation

If you suspect you have a pecuniary interest in an item on council’s agenda, you must immediately excuse yourself from the council table. You cannot participate in debate or vote on an issue where you or your family have a pecuniary interest. Even if you are not in attendance at the meeting where the conflict would have occurred, you must disclose the conflict at the next meeting you attend. Under the MCI, even informal meetings can be considered council business. Therefore, you should avoid discussing any potential conflicts of interest with your fellow council members.

Once you have disclosed the conflict, you cannot attempt to influence council in any way regarding the issue in question. You are not required to leave the room but you must sit in the public gallery while the matter is being debated and voted on. However, it is best practice to leave the council room entirely and avoid any potential influence from your presence or urge to join the discussion on the issue.

Consequences

If you are found to have violated the MCIA, there could be serious penalties. An application for review can be brought by the Nova Scotia Attorney General or a citizen of your municipality. This application will be reviewed by a judge who *must* declare your seat vacant should a breach be found. A judge can also issue a ban on running for office, repayment of money, or even jail time in some of the most severe violations. A judge may also find the violation was a result of “inadvertence or bona fide error in judgement.” This would mean that the violation was an honest mistake and the judge would not be forced to declare the council seat vacant.

To avoid this process entirely, proactive disclosure is the best practice as an elected official. Conflicts of interest should be an important consideration at all times for any elected official. It is your responsibility to ensure that you follow best practices to avoid any potential issues. It may be helpful to review the MCIA to fully understand the scope of potential conflicts of interest or speak with a solicitor if you have further questions.

Communication/Engagement with the Public

As a newly elected official, you are now a visible representative of your municipal government. This means that local voters will want to share opinions and, potentially, frustrations with you when they see you in public.

This is not limited to when you are at the council table. It may mean speaking with residents whenever you are in the community. While this may not be convenient for you, it is helpful to remember to respect the opinions of residents and not make them feel ignored.

As a municipal councillor, this can be a challenging balance between your personal space and time and your new role. Just remember to remain professional and express to the resident that perhaps another time would be better for discussion if you feel it is not a good time for you.

Community Opinions

Not all voters will necessarily agree with your votes on council or the decisions of council as a whole. As an elected official, it is your role to listen and understand these opinions. While you may disagree or feel this is a fringe opinion, remember that you represent all members of the community. They have elected you to serve them and as a result you should do your best to hear the opinions of all community members, not just those who support you.

Depending on your municipality, you may have increased visibility and recognition as an elected official. Being respectful and polite when dealing with members of the public will be helpful as an elected official and a public face of local government.

Public Participation

Participation by the public is a key factor in ensuring a healthy and representative democracy. Residents should feel their council provides enough opportunities for feedback and community opinions. Your council should provide ample opportunities for public engagement.

Council should set regular meeting times to allow for members of the public to be able to predict when council is in session. Holding meetings on weekday evenings is often the most recommended time period for promoting resident engagement.

Council should also strive to provide as much notice as possible for any special or emergency meetings they may hold. Open and transparent meetings help residents feel connected to the municipal decision making process and that their opinions are heard by council.

Media

Occasionally you may encounter questions and inquiries from members of the local media. Depending on the events covered, you may find this is your local newspaper or even regional television stations for a larger news event. Your municipality should have a designated representative who speaks for the municipality as a whole.

In some municipalities, there may be several media trained staff who speak on different areas of expertise. They have been chosen by council to represent the municipality because a unified media presence reduces the potential for providing mixed messages to your residents. Your CAO should be able to provide the contact information for your municipality's spokesperson should a media request be received.

Disagreements are best put forward clearly during council debates instead of through the media. This allows councillors to voice their opinions directly and respectfully in the appropriate forum. A public disagreement through the media between council members could potentially cause divisions that are best avoided on your municipal council.

Access to Information and FOIPOP

Freedom of Information and Protection of Privacy (FOIPOP) is covered under Part 20 of the MGA. There are a few important highlights from this section to understand as a newly elected official. While most of the FOIPOP process is handled by municipal staff, it is important to be aware of the system and what is covered under FOIPOP.

Citizens are entitled to an open and transparent municipality. These practices help instill confidence in government and allow access for those who wish to become involved. Best practice would be to have the majority of municipal documents easily available to citizens, allowing for open and transparent operation of the municipality. This could include posting certain documents online, including meeting minutes and approved municipal budgets.

You should be aware that, as an elected official, the majority of your work as a councillor will be available to the public upon request. It is important to remain professional at all times while conducting business as a member of council. The grounds for withholding municipal documents are limited and, as a result, almost all of your work on council will either become part of the public record or accessible through a FOIPOP request. Remember that in using council resources, such as municipal email, your communications are subject to FOIPOP.

As a whole, almost all of a municipality's business is covered under freedom of information access. This includes committees, regular council meetings, reports, and potentially other business of the municipality. However, a municipality is also required to protect the personal information of both employees and citizens.

Information that may not be disclosed includes personal health records, specific information on work-related injuries, and some personal information provided by residents during their interactions with the municipality. Other reasons include, but are not limited to, economic relations that could impact the municipality if released and information that is subject to solicitor-client privilege. The complete list of what may and may not be released under FOIPOP is found under Section 472-86 of the MGA, which is available at [nslegislature.ca/legc/statutes/municipal_government.pdf](https://www.nslegislature.ca/legc/statutes/municipal_government.pdf) .

Note that a citizen may request specific information about themselves if the municipality has such information on record.

Under the legislation, a municipality must comply with an official FOIPOP request within 30 days. There is an option to request an additional 30 days. If a municipality does not comply within that time frame or request an extension, its response is considered a refusal. A refusal may be subject to a review process by the Information and Privacy Commissioner (formerly known as the Review Officer) if requested.

The MGA specifies the CAO (or clerk where there is no CAO) as the staff responsible for FOIPOP matters within your municipality, including processing of any freedom of information requests. If you have further questions on any issues about freedom of information or personal privacy, other resources include the Department of Municipal Affairs, UNSM, and your municipal solicitor.

Citizen Complaints

Addressing complaints from local residents is an important part of your new role as a councillor. While the majority will be during council meetings or speaking with residents, there are formal processes in place should citizens feel their municipality has acted improperly. These processes also provide citizens with the ability to challenge the municipality should they feel their complaint was not initially addressed.

Ombudsman

If a citizen feels they have been treated unfairly by the municipality, they may opt to file a complaint with the Nova Scotia Office of the Ombudsman. This is an independent provincial office designed to investigate complaints involving the administration of any law of the province, or any law that applies to the municipal unit. This includes complaints regarding administration by provincial and/or municipal government, along with any agencies, boards or commissions.

During your time on council, your municipality and/or council members may be subject to a complaint to the ombudsman. The Office of the Ombudsman process is often only used after a citizen feels a complaint has not been addressed through any internal processes currently available within the municipality itself, and all available external avenues of redress have been exhausted. The Ombudsman's Office will investigate and may provide recommendations based on the original complaint. The ombudsman may also initiate an investigation on its own initiative, and make recommendations following an "own motion" investigation.

As a member of council, you may be required to address recommendations provided by the ombudsman as part of your council business. This may include examining the current procedures and policies as practiced in your municipality.

Courts

Citizens have the right to initiate a court action against their municipality. However, court challenges are restricted to certain issues and cannot be initiated simply because a resident disagrees with a decision of council. A court challenge can be a long and expensive process and is likely the last resort for an individual's complaint.

Council should always follow proper procedures and policies and remain within their legislative scope to avoid challenges to bylaws or resolutions. Council should always follow the advice of their legal staff or municipal solicitor when advised on a legal issue. Your council and municipal staff should contact a solicitor immediately regarding any legal actions taken against the municipality.

Financial Management

The Role of Council

Council has an important role in the financial management of its municipality. Council will sometimes make challenging decisions and set priorities based on what it believes to be in the best interest of the community. Councillors are not expected to be financial experts but should have a reasonable understanding of the financial side of their municipality.

Your CAO will provide the majority of the financial management subject to council approval. As part of council's responsibilities, it must approve an annual budget, submitted by the CAO of the municipality. Council is also responsible for approving services and service levels to be delivered by the municipality. A council may also be required to approve large expenditures or contracts entered into by the municipality. However, the budget administration and routine purchases will be managed by your CAO.

Over the course of the year, council will receive regular updates (monthly, quarterly) on the budget and spending from your CAO. This will allow your council to respond to any unexpected adjustments which may be required. Council will need to continuously monitor the municipality's finances over the year to ensure that priorities are being met and services are delivered as intended.

Annual Audits

Every year the municipality will hire an independent municipal auditor registered with the Province of Nova Scotia. The audit committee (composed of council members) will review the annual audited financial statements as prepared by the auditor, review the adequacy of the audit including any internal control deficiencies or weaknesses noted by the auditor, and investigate any issues found. The municipal auditor will then report to council and present the audited financial statements for approval.

The audit committee's review is more detailed than what would typically be discussed during a council meeting, however, the final approval of the audit must come from council. Once the audited financial statements have been approved, they are submitted to the Minister of Municipal Affairs (DMA) by the September 30 deadline. DMA reviews municipal audited financial statements each year to ensure that municipalities remain financially healthy and sustainable for the future. Municipalities make the reports linked to these annual documents public and they can be reviewed by both residents and other municipalities.

Financial Reporting

In order to help municipal governments with financial transparency, the Department of Municipal Affairs publishes the Annual Report of Municipal Statistics, Financial Condition Index, and Municipal Profiles online. The Financial Condition Index (FCI) provides a quick summary of finances. It includes 15 key indicators that provide some overview of a municipality's financial health.

Municipalities can use this tool to evaluate themselves against the recommended threshold and average score for their class and track how its financial situation has changed over time. It is important to remember that each municipality may face individual challenges and that the reports cannot always reflect unique situations faced by communities. Therefore, it is important to review the comment section to gain more context around what is impacting the indicator(s).

These reports are made public to provide residents with open and transparent financial reporting for their municipal governments. Financial reporting is an important check up to ensure municipalities are continuing to move in a positive financial direction. The FCI helps municipalities understand financial trends year over year for both positive and negative directions. More information, including the reports, is available at novascotia.ca/dma/finance.asp.

Please note: On November 30, 2016, information for and about municipalities will move to a new government website at beta.novascotia.ca. When you use the URL above, you will be redirected to the new site and we encourage you to update your bookmarks at that time.

Taxes and Revenue Sources

The main source of revenue for your municipality is property taxes. More than three quarters of municipal revenue comes from property taxes for most communities. The right of a municipality to tax residents is provided for under the MGA and the Assessment Act. Taxes are calculated using the taxable assessed value of a property times the municipal tax rate (residential or commercial).

The assessment is done by the Property Valuation Services Corporation (PVSC). It is an independent, not-for-profit organization responsible for valuing all real property (about 600,000 residential, commercial and resource properties) in Nova Scotia on an annual basis. Each January, PVSC provides an assessment roll to municipalities, which is used to calculate property taxes, and delivers property assessment notices to every Nova Scotia property owner.

PVSC adheres to mass appraisal standards set by the International Association of Assessing Officers, and is mandated by the Nova Scotia Assessment Act and governed by the Property Valuation Services Corporation Act. The PVSC is funded by all municipalities across the province under a formula outlined in its governing legislation. To support administrative and operational efficiencies, the PVSC also provides value-added property and information services to municipalities.

If you have questions about property assessment or would like information about their services, you are encouraged to contact the PVSC. Also, residents of your municipality should be directed to PVSC's service centre when they have questions about their property assessment. The PVSC can be contacted at 1-800-380-7775, Monday – Friday, from 8:30 am to 4:30 pm. Property information and tools and resources can also be accessed at their website at pvsc.ca.

Council is responsible for setting tax rates in line with the budgeted needs of the municipality for the year. Council may choose to set separate rates for residential and commercial properties. They may also alter tax rates for different service levels experienced by rural, suburban and urban residents. This is important for council to ensure that residents who do not receive certain services are not required to cover the costs.

It is important that council carefully consider the priorities and services they would like to provide when setting the tax rate in line with their annual budget. Councillors are not expected to act as financial experts and your CAO should provide guidance. As a councillor, however, you should still familiarize yourself with the outline of the budget and municipal priorities in order to be engaged during this process.

Another source of revenue for municipalities is grants. Grants provided to a municipality may have specific conditions attached depending on the type of grant and program it supports. There are a wide variety of grants available to municipalities from both provincial and federal programs. The Department of Municipal Affairs website offers for more information at novascotia.ca/dma/funding.asp.

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A municipality may also generate additional revenue from direct programs they provide. Municipalities are permitted to charge user fees for certain services provided, such as recreation facility fees, along with licensing regimes, such as dog licensing. User fees allow a municipality to provide a service where the cost is directly attached to use of the program. Licensing regimes allow a municipality to help subsidize the cost of a service by creating revenue from an area it has jurisdiction over, such as animal control.

Budgets

Your CAO will draft and create the budget for your municipality. However, council must approve the budget put forward. This is the council's opportunity to provide feedback on the budget and direct the CAO to make adjustments if necessary. The financial year for municipal governments begins on April 1 and ends March 31 of the subsequent year.

It is important for council and its CAO to begin the budget process as early as possible to prevent delays in the process. While a municipality may operate past April 1 with no budget, it may only continue to finance existing municipal operations until a new budget has been approved. It is important to start this process as early as possible as passing a budget can be a long process and delays may sometimes occur.

Best Practices

Governance Indicators

The Department of Municipal Affairs is currently developing a number of governance indicators to help municipalities assess themselves. These are intended to provide councillors with the tools for self-assessments and self-examination of their municipality's governance practices. They provide an opportunity to assess challenges and spot problems before they become unmanageable issues. The areas covered by the governance indicators are:

- Governance
- Administration
- Finances and financial management
- Service delivery
- Public safety
- Infrastructure
- Demographics and economic trends
- Partnerships

Regional Economic Networks (RENs)

The RENs have been developed through cooperation between DMA and municipalities across the province. These organizations are tasked with helping communities with expanding, attracting and developing new economic opportunities throughout their designated region. Councils can work alongside RENs to help with the economic development initiatives in their communities. The RENs are a valuable tool available to councils should they choose to engage in economic development as outlined under the MGA.

Setting Municipal Priorities

Together with your fellow councillors, you will want to assess the current state of your municipality along with your priorities as a council. This may involve a number of examinations including effectiveness of current programs and services, potential services to offer, budget and projected revenue, and many other factors. By examining these priorities early, a council can set goals and expectations along with valuable discussion on what each councillor wants to see the municipality prioritize during the council's term.

Municipal Planning

Planning can be an important part of setting council's vision for a community. By adopting a planning strategy, council can provide a vision to residents on how they see future development in a community. The possible options for including statements of policy in a municipal planning strategy can be found in Section 214 of the MGA.

By adopting a proactive approach to planning, councils may avoid having to continually make ad-hoc decisions regarding future development. Planning can help assure businesses and residents that their potential investment is protected, and allow them to predict who their neighbours will likely be in the future. Council may also adopt plans of various lengths depending on their vision and priorities for municipal development.

Relevant Legislation

There are several pieces of legislation that relate to municipal government in Nova Scotia. As a former candidate, you may already be familiar with some such as the Municipal Elections Act. The following are some of the more common pieces of legislation which you may come across as a council member. However, this is not a complete list and, from time to time, there may be specific parts of legislation which affect your actions as a council.

The Municipal Government Act

This is the main governing document for municipalities in Nova Scotia. Currently, the MGA is undergoing review and your municipality may be asked to contribute.

Municipal Conflict of Interest Act

This is an important piece of legislation for elected officials for ensuring that their actions as councillors do not create conflict of interest. Violation of this legislation could have serious consequences for both the councillor and the municipality.

Municipal Elections Act

This legislation governs the eligibility for candidates and procedures followed for municipal elections. You may already be familiar with this legislation through your own election.

Municipal Grants Act

This legislation provides for grants in lieu of taxes on provincial property and equalization grants for municipalities.

Assessment Act

This legislation sets out the rules and exemptions for property taxation, the largest source of revenue for municipalities.

Reading and interpreting legislation can be a challenging task. If you require clarity for any relevant legislation, you should contact your municipal solicitor. In addition to those listed above, other legislation which may directly affect a municipality include:

Interpretation Act

Artists Municipal Tax Exemption Act

Building Code Act

Daycare Act

Education Act

Emergency 911 Act

Emergency Management Act

Fences and Detention of Stray Livestock Act

Fines and Impounding of Animals Act

Fire Safety Act

HRM Charter Act

HRM Marketing Levy Act

HRM Water Commission Act

Homes for Special Care Act

Human Rights Act

Income Tax Act

Land Registration Act

Land Titles Clarification Act

Motor Vehicle Act

Municipal Finance Act

Municipal Fiscal Year Act

Municipal Hospital Loans Act

Municipal Housing Corporation Act

Municipal Loan and Building Fund Act

Occupational Health and Safety Act

Ombudsman Act

Pay Equity Act
Pension Benefits Act
Personal Information International Disclosure Protection Act
Police Act
Policing Services Act
Private Ways Act
Public Highways Act
Public Procurement Act
Public Service Act
Public Utilities Act
Rural Fire District Act
Sales Tax Act
Sheep Protection Act
Smoke-free Places Act
Summary Proceedings Act
Theatres and Amusements Act
Trade Union Act
Trails Act
Utility and Review Board Act
Wharves and Public Landings Act
Workers Compensation Act
Yarmouth Marketing Levy Act

