

A close-up photograph of a stone archway. The arch is made of light-colored stone and features a decorative black metal grate. The words "TOWN HALL" are carved in large, capital letters across the center of the arch. Below the arch is a dark wooden structure.

TOWN HALL

# Council Member's Handbook

For Saskatchewan Municipalities

November 2024

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## Introduction

**Congratulations!** You are now part of an entrusted team elected to make decisions that will affect the daily lives of residents, families, local business owners and many others in the community. The voters have put their confidence in you to manage and make decisions that are in their best interests. Working as a team for the betterment of the municipality contributes to the municipality's overall success and instills trust from the voters in you and in council.

This guide will cover the following topics:

- What to expect during your term of office.
- Information on your role as councillor/mayor/reeve.
- Information on the role of council.
- Information on the role of administration.
- Conflict of interest.
- Council code of ethics.
- Information about various aspects of running a municipality.
- Tips on making your term of office successful.

Citizens entrust elected council to make decisions that affect their daily lives.

Common terms used in this guide include:

- Municipality - means a city, town, village, resort village, rural municipality, northern town, northern village or northern hamlet.
- Administrator - means the municipal administrator or city clerk/city manager.
- Municipal legislation includes [The Municipalities Act](#), [The Northern Municipalities Act, 2010](#), [The Cities Act](#) and the associated Regulations.

It is important for council members to understand their role and responsibilities as an elected official and where their powers to act and authorities come from. The administrator is your advisor and will help to inform you of legislative requirements, limitations and authorities.

Council members are encouraged to educate themselves throughout their term of office by taking in training opportunities such as the Municipal Leadership Development Program, various workshops/webinars and municipal association conventions.

There is a resource section at the end of this handbook for information that can be found on [saskatchewan.ca](http://saskatchewan.ca). These resources will assist you in your role as a municipal council member.

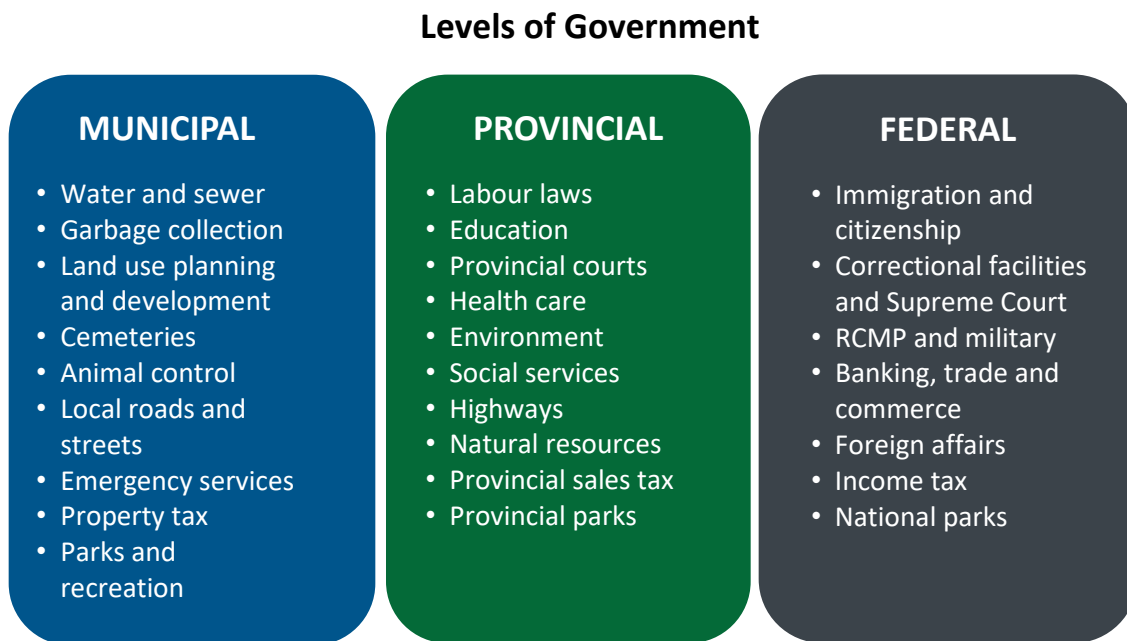
To further support you in your role, you may contact a municipal advisor with the Ministry of Government Relations (ministry) with technical questions on municipal legislation at 306-787-2680 or via email at [advisoryservices@gov.sk.ca](mailto:advisoryservices@gov.sk.ca).

**Disclaimer:** This handbook is a broad overview for council members and is not intended as a substitute for reading and understanding applicable legislation and municipal bylaws, policies and procedures.

## Levels of Government

Municipalities are the level of government that is closest to the people they serve and understand local needs the best. Municipalities are corporations created by the province, with a legal name, rights and responsibilities under provincial and federal law, and geographic boundaries that define their area of jurisdiction.

For context, the levels of government and general services each provide are shown below.



## Purpose of a Municipality

The province provides the legislative framework for municipalities to govern local affairs and make decisions on local matters. The purpose of a municipality is to:

- Provide good governance.
- Provide services, facilities and other things that council deems necessary and desirable for all or part of the municipality.
- Develop and maintain a safe and viable community.
- Foster economic, social and environmental well-being.
- Provide wise stewardship of public assets.

## Legislative Framework

The legislative framework for municipalities to govern is provided through: *The Municipalities Act (MA)* for villages, resort villages, towns and rural municipalities; *The Cities Act (CA)* for cities; and *The Northern Municipalities Act, 2010 (NMA)* for northern municipalities including northern towns, northern villages and northern hamlets.

Through the legislative framework, municipalities have governmental powers and natural person powers.

Governmental powers are prescribed by legislation.

**Governmental powers** are those specifically authorized in legislation. These are the powers that only a level of government, through the authority provided to them in law, can use. Examples of governmental powers include levying and collecting taxes and enacting and enforcing bylaws. These powers and associated actions are prescribed in legislation.

Natural person powers are discretionary.

**Natural person powers** are powers, duties and functions that a municipality can carry out with the same rights, powers and privileges of a natural person if the action is not limited in legislation. Examples of natural person powers afforded to municipalities include the ability to enter into contracts and own property.

Failure to comply with legislative requirements and act in good faith can have a variety of effects on the municipality, its citizens, council and individual council members. Examples include disqualification from council, legal challenges, citizen unrest, loss of staff, and financial implications, to name a few. The municipality's administrator is council's advisor and will assist you in understanding your legislative duties, both as an individual council member and council.

## Documents to Complete After Elected

### Oath or Affirmation of Office

The [Oath or Affirmation of Office](#) (Oath) is a prescribed form in legislation that must be completed before a member of council can exercise any power, duty, or function.



The Oath confirms you will:

- Act truly, faithfully, and impartially in performing your duties in office.
- Not accept any reward for corrupt practices or undue influence of office.
- Perform the duties of office imposed by legislation and by council.
- Disclose any conflict of interest within the meaning of legislation.
- Comply with the code of ethics, rules of conduct and procedures applicable to the office imposed by legislation and by the council.

The completed Oath is accessible to the public. It is important to recognize, adhere to and understand the commitments made within the Oath.

Every council member must complete an Oath or Affirmation of Office and a Public Disclosure Statement after they are elected.

### Public Disclosure Statement

Once elected, you must complete a Public Disclosure Statement (PDS) and file it with the administrator within 30 days **after** being elected. *The PDS that accompanied your nomination paper as part of the election process is not valid for this purpose.* This mandatory disclosure helps assure the public that decisions made are in the best interests of the municipality.

Matters that must be identified on the PDS, relate to you and your family (spouse and dependent children) and include:

- employer
- corporate interests
- partnerships
- property holdings
- contracts and agreements

The PDS **does not** include 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 your lawyer or an accountant.

Each council member is responsible for ensuring that their PDS is current throughout their term of office and must update their information as their circumstances change. Annual declarations are also required on or before November 30<sup>th</sup> of each year of the term of office. Please refer to the [Municipal Public Disclosure Guide](#) when completing the PDS, PDS Amendments and PDS annual declarations.

Failure to complete and file the PDS, PDS amendment, when applicable, and PDS annual declaration in accordance with legislation is a reason for disqualification of council. Please pay special attention to these requirements and deadlines to avoid putting yourself in this position.

## Role of Council

A municipality is governed by and acts through the elected council. Council must:

- Fulfill the purpose of the municipality.
- Make decisions for the municipality about services, policies and programs.
- Make decisions through resolutions and bylaws at properly conducted meetings that are open to the public.
- Be accountable to the public for the decisions made.
- Ensure administrative practices and procedures are in place that enable municipal employees to carry out their duties.
- Ensure the municipality acts within the law.

Council members are elected to serve and act on behalf of all citizens in the municipality.

Council decisions are made by resolutions and bylaws. Good decisions are made through careful consideration, being well-informed, and respectful discussion and debate on a matter. Every council member has one vote and an equal voice at the council table. It is important for all council members to respect and support the decision of council, even when they do not vote in favour of a motion.

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

As a member of council, you are expected to contribute to the betterment of the municipality; to provide leadership; and to serve and act on behalf of all citizens in the municipality. All council members must:

- Represent the citizens and consider the well-being and interest of the municipality.
- Contribute to the development and evaluation of policies and programs of the municipality.
- Participate in meetings and contribute to decision-making.
- Follow the rules set out by municipal legislation, bylaws and policies that govern how council members exercise their authority.
- Ensure administrative practices and procedures are in place to implement the decisions of council – council is the policy maker and is not to be involved in operational matters.
- Keep certain matters confidential until discussed at a meeting open to the public.
- Maintain the financial integrity of the municipality.

An effective council member is objective, open minded and willing to listen.

Decisions are made to contribute to the betterment of the municipality, regardless of personal feelings. The input of every council member and staff is important and must be respected for council to make good decisions.

### **Additional Responsibilities of Mayor or Reeve**

The mayor or reeve has the same legislated duties and responsibilities as the councillors. However, as the head of council, they have a few additional responsibilities. The mayor or reeve:

- Chairs the council meetings when in attendance (unless council provides otherwise, by bylaw).
- As chair, maintains the order and conduct of debate, ensures meeting procedures are followed and encourages the expression of differing viewpoints.
- Can request the administrator call a special meeting.
- Is a member of all council committees and all bodies established by council, unless council provides otherwise.
- Is the “head” of the municipality as defined under *The Local Authority Freedom of Information and Protection of Privacy Act* (often the reeve or mayor will delegate this responsibility to the administrator).
- Performs other duties that legislation or a municipal bylaw requires.

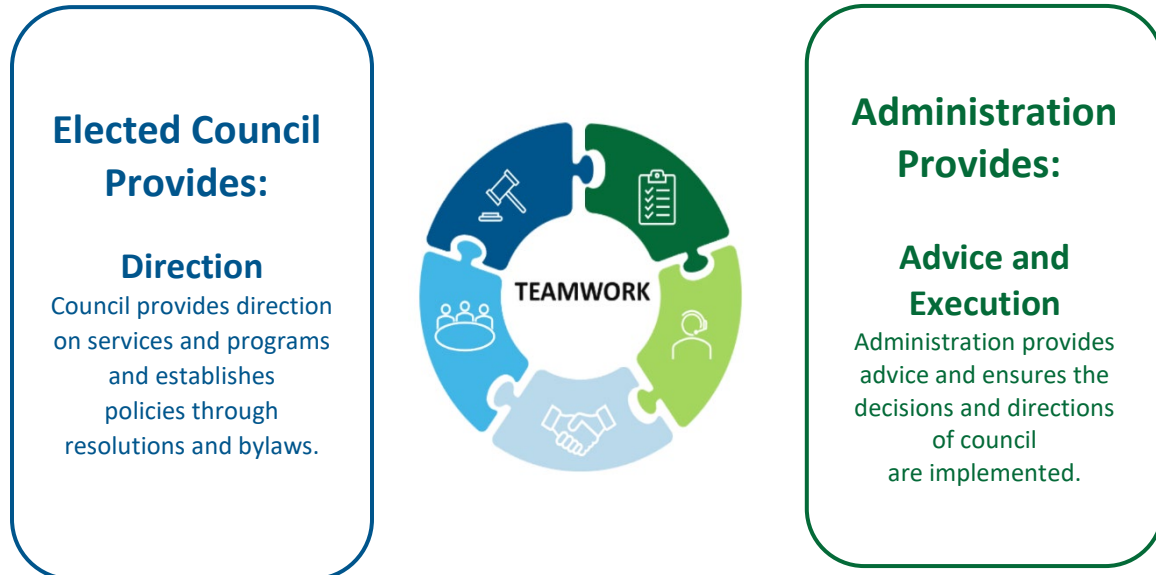
### **Council Committees, Boards and Other Bodies**

Council may establish committees, boards and other bodies to help them carry out their municipal responsibilities. Council may create council committees consisting of members of council only or committees, boards or other bodies that include members of the community.

Establishing committees, boards or other bodies can create efficiencies and is an effective way of bringing additional expertise and new perspectives to the table.

The committees or boards are required to establish and follow meeting procedures. They are also required to conduct business at meetings open to the public. Depending on their purpose, council may delegate certain decision-making authority to the committee or board. Otherwise, the committee or board will make recommendations to council for a decision.

Actions of a committee or board 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.



### **Role of Administration**

Council is supported in carrying out their duties and responsibilities by the administration of the municipality, particularly the administrator. Saskatchewan municipalities, except for cities, are required to appoint a qualified administrator. The respective urban or rural boards of examiners determine the qualifications and subsequent certifications. The administrator is an integral part of the team. They ensure the day-to-day operations and direction of council are carried out. One of the most important aspects of good municipal governance is an effective working relationship between council and the administrator. The experience and knowledge of the administrator are essential for members of council to perform their role efficiently and effectively.

The role of the administrator includes:

- Ensuring the policies and programs of the municipality are implemented.
- Providing professional advice for council’s consideration and decision-making.
- Advising council of their legislative responsibilities and the operations of the municipality.
- Ensuring the direction set by council is carried out.
- Recording the decisions of council in the meeting minutes.
- Managing financial matters.
- Ensuring the safekeeping of municipal documents.
- Meeting legal obligations of the municipality.
- Managing, leading and directing the rest of the municipality’s employees unless council decides otherwise.

Council should expect that the administrator will perform all the functions listed above, as well as:

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

## Employee Code of Conduct

Every municipality is required to have an Employee Code of Conduct (ECC). The ECC:

- 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 (e.g. receiving gifts).
- Sets out the corrective measures for unethical conduct.

The ECC will include rules about conflict of interest. Employees cannot:

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

The ECC will also describe what can be done when staff suspect they have a conflict of interest.

## Conflict of Interest

As a member of council, you have a duty to represent the public and act in the best interest of the municipality. You cannot influence or appear to influence council's decisions to further your private interests or improperly further another person's private interests. Municipal legislation sets out the rules for conflict of interest (COI) for members of council. Identifying, addressing and managing COIs is key to good governance and maintaining the public's trust and confidence.

It is not uncommon for a council member to have a COI; it is how they handle it that is important.

## What is a Conflict of Interest?

A COI occurs when an elected official's private interests or a closely connected person's interest may or may appear to be affected by a council decision. COI involves financial interests and personal interests.

A council member has a COI if they make a decision or participate in making a decision and they know, or should know that the decision would give them an opportunity to further their private interests or to improperly further another person's private interests.

## Are there exceptions to Conflict of Interest?

Municipal legislation lists several situations where a member of council is deemed not to have a financial interest, and the COI rules would not apply. These situations can be found in subsection 143(2) of the MA, subsection 115(2) of the CA, and subsection 161(2) of the NMA.

Below are a few examples of the exceptions to the COI rules:

- A decision to pay a utility bill, such as SaskPower, where a member of council is employed by SaskPower.
- Setting council remuneration.
- Setting tax policy for the municipality.
- Volunteer firefighter remuneration where a member of council is a volunteer firefighter.

## How do I know if I have a Conflict of Interest?

As a council member, it is your responsibility to determine whether you have a COI on a matter before council. It is not the responsibility of fellow council members or staff to tell you.

To determine if you have a COI, you should ask yourself the following questions, and if you answer "yes" to any, there may be a COI that needs to be addressed:

- Am I or is someone close to me (e.g. a family member, a friend or a business partner) likely to be affected (negatively or positively) by the decision, issue or situation being discussed or decided?
- Do I or someone close to me, have an interest in or hold a position in, a company or organization that is likely to be affected?
- Am I, or is someone close to me, likely to have a financial gain or loss due to the decision, issue or situation that is being discussed or decided?
- Have I, or has someone close to me, received a gift (money or otherwise) from a person, company, or organization that is likely to be directly affected?
- Am I uncertain of my ability to act impartially and in the public interest?
- Could a person with knowledge of the situation reasonably perceive that my ability to carry out my public duties impartially could be influenced as a result of me or someone close to me having a private interest in the decision, issue or situation that is being discussed or decided?

If you are unsure whether you have a COI on a matter, you may wish to either seek a legal opinion to ensure that relevant legislation and the common law are carefully considered or declare the COI and follow the COI rules to be on the safe side. Generally, if you have to ask yourself the question, you are likely in a conflict. You can also refer to the resources available on Ombudsman Saskatchewan at <https://ombudsman.sk.ca/ombudsman/for-municipalities>.

## What to do if I have a Conflict of Interest?

Once you have determined whether you have a real or perceived COI, there are five key rules that you must follow. These five rules are required at every meeting when the matter of conflict arises before council or a council committee. If you are absent from a meeting where a matter of conflict is discussed, you must make that declaration of conflict at the next meeting you attend.

In addition to the formal COI rules to follow during a meeting, the rules are to be applied informally outside of a meeting if a matter of conflict arises.

**At no time – before, during, or after the meeting – should you attempt to influence discussions or voting on matters in which you have a COI.**

The five COI rules are:

### 1. Declare

- Before any discussion on the matter, declare that you have a COI.

### 2. Disclose

- Disclose the general nature of the COI that could reasonably be seen to affect your impartiality.

### 3. Abstain

- Abstain from voting on any question, decision or recommendation relating to the matter.

### 4. Refrain

- Refrain from participating in any discussion relating to the matter.

### 5. Leave

- Leave the room in which the meeting is being held until discussion and voting on the matter has concluded.

During a meeting, every declaration of a COI and the corresponding actions taken must be recorded in the minutes. Every council member should ensure their declaration is accurately reflected in the minutes. This record is the evidence you will need if you are challenged on whether you declared a COI and took the appropriate actions.

## What are the consequences of not following the five Conflict of Interest Rules?

Failing to comply with COI rules in legislation is a reason for disqualification of a council member. A council member who is disqualified must resign from council immediately and is ineligible to be nominated or elected in any Saskatchewan municipality for 12 years. If the disqualified council member does not resign:

- Council may, by resolution, declare the council member's office vacant; or
- Council or a voter may apply to a judge of the Court of King's Bench for an order declaring the council member disqualified.

If council passes a resolution declaring a council member's office vacant, that council member can appeal the decision to a judge of the Court of King's Bench within 10 business days after the passing of the resolution.

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

Individual members of council are responsible for declaring a COI. If you suspect that another councillor has a COI that is not being declared, you may:

1. Informally speak to the council member about your concerns.
2. Formally raise your concerns by making a motion and requesting a recorded vote.
3. File a complaint under the municipality's Code of Ethics bylaw.
4. If you are confident that a council member has not followed the COI rules, attempt to enforce the disqualification through a resolution of council, declaring the council member's office vacant.

## Code of Ethics

All Saskatchewan municipalities are legislatively required to have a Code of Ethics (COE) bylaw, which applies to all members of council. The COE bylaw defines the standards and values that members of council must comply with in their dealings with each other, municipal employees and the public. When a council member takes their Oath, they agree to comply with the COE. Therefore, it is essential to be familiar with this bylaw.

The COE bylaw **must** include:

- The prescribed model COE contained in the municipal legislation regulations.
- The process for dealing with alleged COE contraventions, such as how complaints are handled.
- Remedial action(s) if a contravention occurs.

The COE bylaw **may** include:

- Standards for members of committees, controlled corporations 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 COE (subject to the Regulations).
- Policies, rules and guidelines regarding a member of council accepting gifts or other benefits in connection with holding office.
- Any other statements of ethics and standards determined to be appropriate by council.

The Code of Ethics bylaw sets the minimum standards of ethical behaviour for council members and may extend to members of all municipal bodies.

The minimum COE standards and values prescribed in legislation as part of the model COE are:

- **Honesty**  
Members of council shall be truthful and open in their roles as council members and as members of the communities they serve.
- **Objectivity**
  - Members of council shall make decisions carefully, fairly and impartially.

- **Respect**
  - Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.
  - Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different roles others play in local government decision making.
  
- **Transparency and Accountability**
  - Members of council shall endeavour to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with confidentially in a closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.
  - Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.
  
- **Confidentiality**
  - Members of council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by council to do so.
  - Members shall not take advantage of or obtain private benefit from information obtained during, or as a result of, their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.
  
- **Leadership and Public Interest**
  - Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A member shall strive, by focussing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.
  - Members of council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.
  
- **Responsibility**
  - Members of council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including the municipal legislation.
  - This duty includes disclosing actual or potential COI, either financial or otherwise relating to their responsibilities as members of council, following policies and procedures of the municipality and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual COI.

## Getting Down to Business

### Meetings

There are different types of meetings that you will attend as a council member throughout your term of office including council meetings, committee meetings and others at which you may be a council representative.

#### First Meeting

- Is the first meeting held after a general election.
- Must be held within 31 days after the date of the election.
- Date, time and place of the meeting is set by the administrator.
- Notice to council members required at least 24 hours before the meeting.

#### Regular Meetings

- Dates, times and places determined by council as per the Council Procedures bylaw.
- No more than 60 days can pass between regular meetings.
- Public notice as required by legislation.
- Procedures for changing the meetings must be in the Council Procedures bylaw.



#### Special Meetings

- Procedures to call a special meeting must be included in the Council Procedures bylaw.
- Meeting held at the request of the mayor/reeve or a majority of council members.
- Usually held when unforeseen circumstances arise that require a council decision prior to the next regular meeting.
- At least 24 hours notice is required unless all members of council waive notice, in writing, before the meeting starts.
- Notice must state the business to be transacted.

#### Council Committee Meetings

- Council committees are established by council and council defines their function.
- Council committees must have written procedures for conducting business at meetings that are publicly available; often, these will be included in the Council Procedures bylaw.
- May decide to set a schedule for committee meetings or hold them as needed.
- Public notice, as required by legislation.

#### Attendance

Council meetings require a quorum to conduct business. A quorum is the majority of the members of council (50 per cent plus one) who must be present before a meeting convenes and at all times during the meeting. No act or decision of council is valid without a quorum.

The exception to requiring a quorum is only when it is related to a COI. If the number of council members falls below quorum due to

Attending council and council committee meetings is a duty of all council members.

a council member(s) declaring a COI, the discussion and decision can be made without quorum. However, at least two council members must remain to make the decision.

Generally, councils conduct their meetings in a council chamber or some place that is accessible to the public. However, council meetings may be conducted by electronic means, such as over the phone or through videoconferencing, subject to certain requirements being met. Public notice to hold a council meeting through electronic means is required. Council may add provisions regarding electronic meetings in the Council Procedures bylaw.

### **Absence**

There will be occasions when council members are unable to attend a meeting for any number of reasons. Informing the administrator of your absence is important so they can determine if a quorum will be present for the meeting.

If a council member is absent from all regular meetings for three consecutive months, where at least two meetings were held, they are deemed disqualified and must resign. The exception to this is when the absence is authorized by a resolution of council or a leave of absence policy adopted by council.

Resolutions cannot be made in a closed session.

### **Closed Session**

Legislation allows councils and council committees to close all or part of their meetings in certain situations. Closed or “in-camera” sessions are for discussion purposes only. Once the discussion on the matter has concluded, council resumes the open session of the meeting, where resolutions can be made.

Matters that can be discussed in a closed session include:

- Exemptions contained in Part III of [The Local Authority Freedom of Information and Protection of Privacy Act](#), such as legal matters, certain advice from municipal officials, etc.
- Long-range or strategic planning.

#### Meetings:

- Are where decisions of council or council committees are made
- Are open to the public
- Are conducted according to the Council Procedures bylaw
- Must have a quorum of council

## **Council Procedures Bylaw**

All municipalities are required to have a bylaw that establishes general procedures to be followed in conducting business at council meetings, commonly referred to as the Council Procedures bylaw (CPB). All council members and staff must be familiar with the contents of the bylaw and should have it available during meetings for quick reference.

The CPB must include the following:

- Rules for the conduct of members of council.

- Rules about the confidentiality, transparency, openness and accessibility of documents and other matters to be discussed by or presented to council.
- 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 procedures for calling a special meeting pursuant to legislation, including designating a person to call a special meeting if the administrator is unable to act.
- The rules and procedures respecting the closing of all or a part of a meeting.
- The procedure to appoint a councillor as deputy reeve/deputy mayor if the reeve/mayor is unable to perform their duties.
- The procedure to appoint a councillor as acting reeve/acting mayor if the reeve/mayor and deputy reeve/deputy mayor is unable to perform their duties.

Meeting procedures must be established and publicly available.

The CPB also includes any other matter specified by council. Those matters may include procedures regarding:

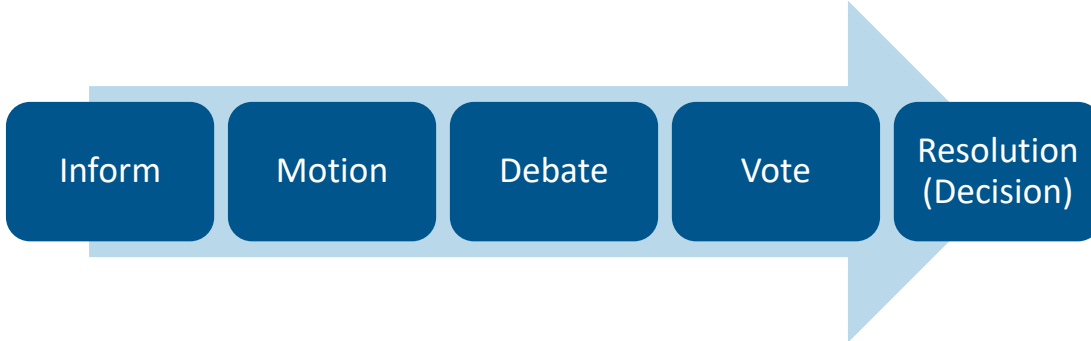
- calling the meeting to order and quorum
- postponing the meetings
- agenda
- minutes
- bylaws
- rules of debate
- procedure for voting on motions
- committee of the whole
- committees and committee meetings
- revisiting decisions of council

Council committees, controlled corporations and other bodies established by council also require written procedures for conducting meetings. Council must ensure the procedures are established and publicly available.

## **Making Decisions**

Council members are elected to make decisions that are in the best interests of the municipality. If you are elected in a municipality that has wards/divisions, you are not to place the interest of your ward/division above the interest of the entire municipality. Your effectiveness as a council member depends on providing input as a representative of the ward/division while thinking and voting for the needs of the municipality.

Council decisions are made through passing resolutions and bylaws. The general path to a council decision is shown below:



### **Voting on Motions**

Every council member has one vote, including the mayor/reeve. Legislation requires every council member in attendance at a meeting to vote on every motion unless the council member is required to abstain from voting pursuant to legislation, such as an abstention due to a COI. If a council member abstains from voting for a reason other than those provided in legislation, the abstention is considered a vote in the negative. Abstentions are recorded in the meeting minutes.

A motion is carried/passed if a majority of council votes in favour of the motion. If there is a tied vote or the majority of council votes in opposition to the motion, the motion is defeated. All motions are recorded in the minutes.

Consider making motions and voting on matters that council debates, even if council chooses to do nothing. Doing so provides a public record that council considered the topic.

There are occasions where more than a majority vote of council members is required for a decision to be passed, including:

- Unanimous consent of members present is required to authorize three readings of a bylaw at a single meeting.
- Unanimous consent and full attendance are required to consider items not included on the notice of a special meeting.
- The CPB established by council may require a higher percentage of votes for certain resolutions.



### **Bylaws and Resolutions**

All council decisions must be made at a properly called meeting that is open to the public. Councils make decisions through resolutions, which can include passing bylaws, within its jurisdiction. A majority vote of council members at a meeting is required for a resolution to be passed. If there is a tie vote on a resolution, it is defeated.

There are certain bylaws that are required in legislation. Councils also have discretionary decisions that, if chosen, are required to be made through the passing of bylaws. Generally, councils pass bylaws for matters that have a long-term or broad impact on the public.

Examples include, but are not limited to:

- Required bylaws: records retention and disposal schedule, establishing general procedures for council meetings CPB, public notice policy and adopting a COE bylaw for council members.
- Discretionary decisions that, if chosen, must be done by bylaw: use of tax tools, animal control, closing a road, vehicle weights or route designations, establish a public utility board, etc.

Aside from bylaws, resolutions usually deal with routine or administrative matters, such as approving monthly financial statements, accounts for payment, buying or selling real estate and tax abatements, to name a few.

Policies of the municipality are established through resolution or bylaw. Council establishes municipal policies to:

- Ensure administrative practices and procedures are in place to implement the decisions of council.
- Provide support to the staff performing the day-to-day business and operations of the municipality.
- Establish expectations and direction of council.
- Improve decision-making and consistent application of processes.
- Increase transparency to the public.

### **Matters Requiring Public Notice Before Being Dealt with by Council**

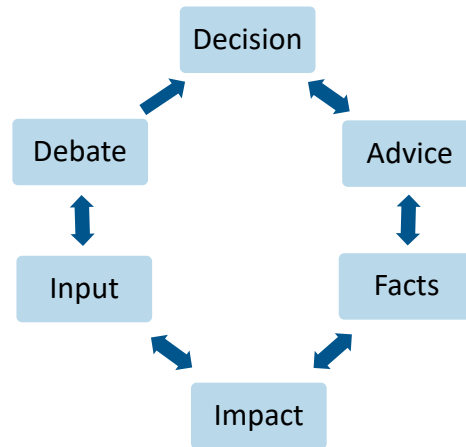
In some cases, council cannot consider an item at a meeting until notice to the public has been provided. Your administrator will advise you when public notice is required according to your public notice bylaw and legislation. Choosing to debate and decide on a matter without providing appropriate public notice when it is required enables any voter to legally challenge the decision made. Some examples of when to provide public notice before council considers the matter:

- borrowing money
- establishing a purchasing policy
- leasing land for less than fair market value without a public offering
- setting remuneration for council members
- amending the CPB
- permanently closing a road

### **Arriving at a Decision**

The path to a good decision does not always follow a straight line. It involves obtaining advice from municipal officials or subject matter experts, knowing the facts, understanding the impact of your decision, getting input from the public or affected parties and respectful debate. Each council member must respect the council's decision, even if they don't agree with it.

As a council, you want to make decisions that are fair and understand the impact of council's decisions now and into the future.



Council decisions affect the daily lives of its citizens. Some topics require public notice before council considers the matter. Some decisions require public consultation and engagement, such as land use planning. In some cases, it is just a good idea to consult the public prior to making a decision. When making decisions, council may ask themselves:

- 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? Should they be?
- Does council have all the relevant facts?
- Are we basing our decision on fact and law or 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?

#### Making decisions:

- Is a team effort.
- Includes listening to administration, fellow council members and the public.
- May include advice by subject matter experts.
- Involves accountability and transparency to the public

It is important to keep the public informed on the decisions of council. There are many ways to do that, including posting minutes on the municipality's website, social media methods, etc. The public may not always be happy with council's decision, but if they understand that council did their due diligence in considering the problem and council is transparent about it, the public are more likely to accept it.

## Chairing the Meeting

The chair maintains order at a meeting and facilitates debate on questions before council or a committee. The chair will want to be especially familiar with the CPB respecting meeting procedures in running an effective, orderly meeting. The chair does not have any special power respecting the decision-making process. Essential skills for chairing a meeting include being:

- Punctual
  - Start meetings on time.
  - Ensure the debate remains productive.
  - When the 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
  - As a member of council, the chair has one vote and will have a position on a matter. It is important that the chair does not dominate the debate with their opinion.
  - 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.

Restoring order to a meeting can be challenging. The chair should refer to the CPB for procedures regarding improper conduct, point of order, etc. The following are examples of actions that can be useful in restoring order:

- Use the gavel:
  - The sharp sound of a gavel tapping against the sound block will usually interrupt offending conduct and get everyone's attention so you can bring the meeting back to order.
- Ask for or make a motion to recess the meeting:
  - Sometimes a brief recess (five to 10 minutes) may allow time for 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.
- Ask for or make a motion to defer the contentious item:
  - If a particular item is controversial, it may be beneficial to postpone the decision to a future meeting, refer it to a committee or administration for further information, or seek input from the public where appropriate.



## Meeting Minutes

The meeting minutes are a permanent record of the municipality. The administrator is responsible for ensuring that all minutes are recorded, either personally or by delegating the duty to a staff member. The expected standard of how meeting minutes are to be recorded is determined by the profession's Board of Examiners, but will typically include:

- Names of council members and staff in attendance and those council members who are absent.
- The date, time and place of the meeting.
- Any delegations that attend the meeting.
- All motions made by council, whether they are passed or defeated. Minutes do not record individual opinions or the debate on a matter.

There are some notations that are required to be recorded in the minutes, including:

- Declarations of COI.
- Abstentions from voting.
- Results of a recorded vote showing those voting for or against a matter, if requested by a council member before the vote is taken.

Meeting minutes are provided to council for approval at the next regular meeting. Following approval, the administrator and the presiding officer at the meeting where the minutes were approved sign the last page of the minutes. Good administrative practice also includes initialling each page of the minutes, other than the signature page.

It is each council member's responsibility to ensure the minutes reflect their actions regarding any COI on a matter.

## Bylaw Making Authority

A municipality has a **general power** to pass any bylaws for the municipality considered necessary in relation to the following matters:

- The peace, order and good government of the municipality.
- The safety, health and welfare of people and the protection of people and property.
- People, activities and things in, on or near a public place or place that is open to the public.
- Nuisances, including property, activities or things that affect the amenity of a neighbourhood.
- Transport and transportation systems, including carriers of persons or goods.
- Subject to *The Traffic Safety Act*, the use of vehicles and the regulation of pedestrians.
- Streets and roads, including temporary and permanent openings and closings.
- Business, business activities and people engaged in business.
- Services provided by or on behalf of the municipality, including establishing fees for providing those services.
- Public utilities.
- Wild and domestic animals and activities related to them.
- The abandonment, discontinuance, dismantling, removal or decommissioning of any use, building or other structure, and the reclamation of the land where the use, building or structure is located.

A municipality has the power to make bylaws respecting the enforcement of bylaws, including:

- Creating offences, including continuing offences.
- Impose fines payable upon summary conviction.
- Provide for voluntary penalty payments for offences.
- Provide for inspection to ensure compliance with bylaws.

It is important to build support for proposed bylaws early in the process. In some cases, such as zoning bylaws, the public must be provided notice and are guaranteed an audience with council to present their views at a public meeting.

Public engagement enables council to develop policy that is in tune with community expectations. These efforts can lead to greater acceptance, which, in turn, should increase compliance rates. After passing a bylaw, it is important to ensure the public is aware of it.

### **Personal Liability and Immunity of a Council Member**

There are instances where, as an elected member of council, you can be held legally liable for certain decisions or for acting in bad faith. ***Individual council members, including mayors/reeves, have no authority to act independently.*** A member of council who knowingly makes an expenditure for the municipality that is not authorized by council is liable to the municipality for the expenditure. For example, 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 personal funds.

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.
- Will give staff direction informing them of council’s expectations when situations pose a risk to the municipality.

Legislation protects a council member ***when they are acting in good faith*** in their duties and within the parameters of legislation. This protection is also extended to members of committees or other bodies appointed by council, members of a public utility board or controlled corporation that is established by council, municipal staff, volunteers and agents acting on behalf of the municipality.

## Citizen's Access to Information

The citizens elect you to make decisions about the municipality on their behalf. It is important for citizens to be informed and have access to information to:

- Know about the decisions of council.
- Know why and how those decisions are made.
- Be aware of the services and programs available and how they are delivered.
- Know about the bylaws of the municipality.
- Understand where their taxes and fees are being spent.
- How they can get answers to their questions.

Keeping the public informed builds public trust.

Not only is it important for citizens to have access to information, but it is also legislatively required, with a few exceptions. The municipal acts specify that the following documents must be accessible to the public:

- Any contract approved by council, any bylaw or resolution and any account paid by the council.
- PDS forms completed by council and the debenture registers.
- Council members' Oath or Affirmation of Office.
- The municipality's annual audited financial statements and auditor's report and those of a controlled corporation of the municipality.
- Any report of any consultant engaged by or of any employee of the municipality or of any committee, or other body established by council after the report has been submitted to the council, except any opinion or report of a lawyer.
- The minutes of council meetings after they have been approved by council.
- Any other prescribed report or document.

## The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)

Public information should be accessible and personal information should always be protected.

*The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP) sets out the access to information and protection of privacy rules that municipalities must follow. As a member of council, it is important that you understand these rules. They are intended to promote public accountability, support informed public participation in policy making and ensure fairness in government decision making.*

These same rules limit a municipality's authority to collect, use and disclose personal information. LA FOIP determines the head of council (mayor/reeve) to have all the decision-making powers under LA FOIP unless they delegate these decision-making powers in writing to someone else. Often, these powers are delegated to the administrator.

LA FOIP provides exceptions to information being available to the public. LA FOIP requires municipalities to protect personal information of citizens, employees and others. Some information may be redacted before records are given.

As a council member, you must have a clear understanding of the rules to ensure you abide by them, and not create a liability for your municipality. More information can be found on the Office of the Information and Privacy Commissioner's website at [oipc.sk.ca](http://oipc.sk.ca).

## Keep your Citizen's Informed

Other than the documents listed above, keeping your citizens informed about the business of the municipality can be done by various means, including:

- Having documents and other information available on a website.
- Encouraging citizens to attend council meetings and making them feel welcome.
- The use of social media, posting key notices and information.
- Distribution of newsletters.
- Public consultation on key areas of interest (e.g. public polls, public meetings, discussions, etc.).



Municipalities must be open and transparent in conducting business. If the public thinks that things are done secretly, there is a greater risk of the public losing confidence in their elected council. The more informed citizens are about the decisions and operations of the municipality, the less conflict and questions you will need to manage.

## Council's Role in Financial Management

Most of the decisions that councils make have a financial impact on the municipality. Council members are not expected to be experts in finance but must be aware of the impact decisions have on the finances of the municipality and the ratepayers. Your administrator will support you in making financial decisions by providing information on the municipality's financial position, long-term financial impacts and recommendations where appropriate.

Council has a legislated duty to maintain the financial integrity of the municipality.

Council, with support from the administration:

- Creates an operational and capital plan and a budget.
- Monitors the financial position of the municipality throughout the year.
- Reports on the municipality's financial position at the end of the year.

Key financial decisions of a council are shown in the following tables.

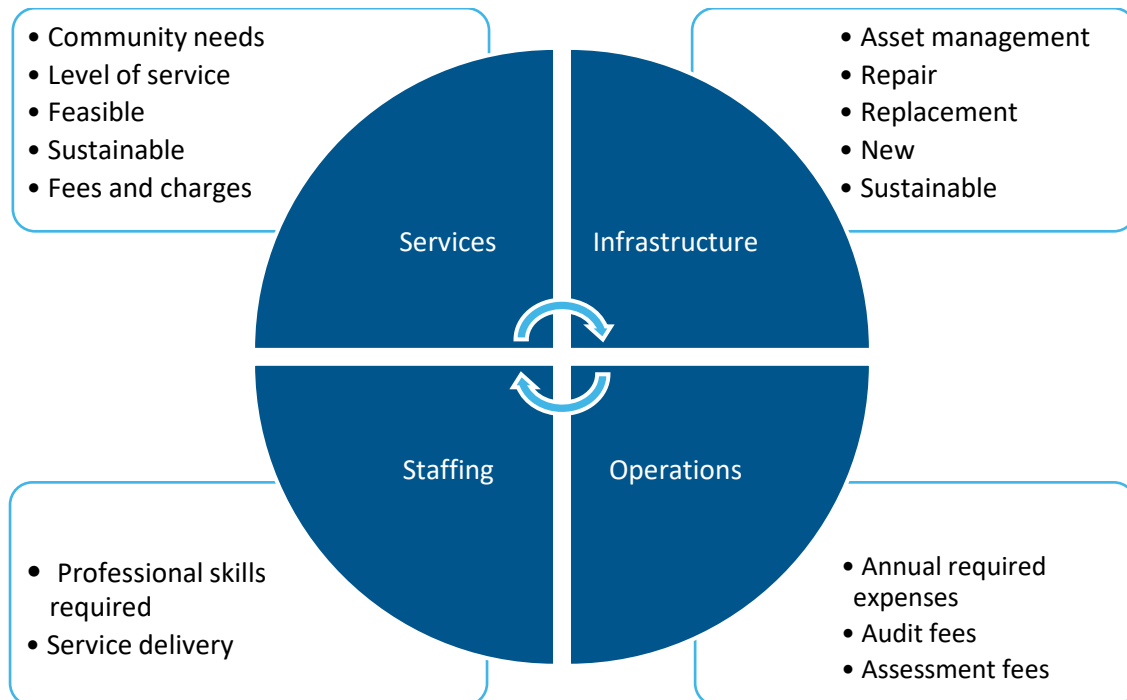
**The content of the tables is not meant to be exhaustive but to give you an idea of the main areas of financial responsibilities.**

<b>Examples of Required Financial-Related Actions of Council</b>			
<b>Budget</b>	<b>Tax Rate</b>	<b>Water/Sewer Rates</b>	<b>Expenditures</b>
<ul style="list-style-type: none"> <li>• Council must adopt an operating and capital budget for each financial year.</li> <li>• If a budget has not been adopted, council cannot authorize a tax levy.</li> </ul>	<ul style="list-style-type: none"> <li>• Council must authorize a tax levy on all taxable assessments with a uniform mill rate.</li> <li>• If council chooses to apply tax tools (minimum tax, base tax, mill rate factors) they must be authorized by bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• If a municipality, other than a city, offers water or sewer services, council must set rates by bylaw.</li> <li>• The bylaw must be approved by the Saskatchewan Municipal Board.</li> </ul>	<ul style="list-style-type: none"> <li>• An expenditure can only be made if it is included in the budget or otherwise authorized by council, for an emergency, or is legally required to be paid.</li> </ul>

<b>Examples of Discretionary Financial-Related Actions of Council</b>			
<b>Borrowing</b>	<b>Investments</b>	<b>Capital Works Plans</b>	<b>Purchasing Policy</b>
<ul style="list-style-type: none"> <li>• Council must pass a bylaw to borrow money. <ul style="list-style-type: none"> <li>○ Exception is if the borrowing is repayable within three years (short-term borrowing).</li> </ul> </li> <li>• Short-term borrowing can be authorized by resolution.</li> <li>• Use of borrowed money is outlined in legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• By resolution, council may invest any surplus money in securities allowed in legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• Council may adopt a capital works plan that shows at least five years of capital works, showing the estimated capital cost and proposed sources of financing.</li> </ul>	<ul style="list-style-type: none"> <li>• Council may establish a purchasing policy setting out the way it is authorized to make purchases.</li> </ul>

## Budget Deliberations

When making decisions, council is entrusted to safeguard taxpayers' money and make the best use of financial resources. To be effective, financial decisions should be outcome-driven.



Key questions council members should consider in deliberating on a budget include:

- How much does a service, project, or capital purchase cost the municipality?
- How will the costs be financed?
- Are the costs associated with providing this level of service feasible and sustainable?
- Will spending in this area create a desirable cost/benefit return?
- Are the risks associated with not doing this acceptable?
- How much revenue is required to provide the services and meet the goals and objectives of council?

### Tax Rate

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

- The amount of revenue generated by taxation.
- The distribution of tax rates on property assessments.
- The distribution of taxation between property classes.

The implemented tax structure forms 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 decisions made.
- Review the impact of any tax tools in the tax policy.
- Monitor collections to determine if a change in policy might enhance the ability to collect.

No matter which tax policy decisions are made, communicating to taxpayers the rationale behind the decisions is important. 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 to their taxpayers.

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

### **Borrowing**

Buying equipment, undertaking large projects or building capital assets often requires a major investment. Borrowing may be necessary to fund these types of costs. Costly projects usually generate public interest in the municipality's capital plan. Involving citizens from the outset by making information about council's plans available can go a long way to addressing ratepayer concerns. Information should include:

- The total cost of the project(s).
- Whether there are other sources of funding for the project(s).
- How the municipality intends to pay for its share of the costs (including through borrowing, etc.).
- The impact on property taxes for property owners or fees and charges for users.

#### The budget process:

- Determines the services to be provided and at what level.
- Decides how much revenue is needed to pay operating and capital expenditures for the year.
- Creates the tax policy.
- Determines whether borrowing is required.

### **Asset Management**

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 ensure the municipality's infrastructure supports the services on which the community depends. Your municipality needs to install, operate, maintain, upgrade and dispose of infrastructure assets such as:

- transportation network, including roads, culverts and bridges
- water and sewer lines and treatment facilities
- lagoons
- landfills
- equipment
- 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 value when it comes to local infrastructure and the services provided.

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

**Asset management:**

- Helps to provide the greatest return on investment.
- Balances operating costs against desired performance.
- Requires a good priority system.

## **Monitoring Financial Position**

As council has the duty to maintain the financial integrity of the municipality, it is important for council to be aware of the municipality's financial position throughout the year. Council will rely on administration to provide financial reporting to council and explain the financial activity of the municipality.

Council can, by resolution, request financial information from the administrator to be provided at intervals that council deems necessary and reasonable. Financial information can include but is not limited to:

- Bank reconciliations, showing the bank account balances and general activity from period to period.
- Financial statements, comparing year-to-date actuals to the budget.

Ask the administrator if there is a financial reporting schedule established for your municipality.

Regularly monitoring of the municipality's finances allows council to respond to changing priorities, unanticipated events and over-expenditures. Often, the administrator will provide monthly financial reports to council. If you do not understand the reports, it is important to ask the administrator to explain the information.

## **Audited Financial Statement**

A qualified auditor must be appointed by council to audit the annual financial statement of the municipality and report back to council. The annual audited financial statement is a legislative requirement and is council's most important tool for publicly reporting the financial position of the municipality. The audited financial statement supports municipal accountability and transparency to citizens and provides the year-over-year financial position of the municipality.

The audited financial statements must be prepared by June 15 (September 1 in cities) for the period ending December 31 of the previous year. The audited financial statements must be sent to the ministry by July 1 (September 1 for cities). Council may, by bylaw, extend this time up to 90 days. A bylaw to extend the time must be passed within 30 days of the legislated deadline.

The auditor also prepares a report on your audited financial statement. The report informs council about any:

- Problems found with the municipality's accounting procedures or internal controls.
- Funds spent without proper authorization.
- Issues of which council should be aware.
- 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 publicize the audited financial statements, or a summary of them, and the auditors report by September 1. Many municipalities post a consolidation of their financial statement on their website, in a paper that circulates in the municipality or by 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.
- Include a report to council about potential issues found during the audit.

## Citizen Relationships

Councils should make every effort to inform citizens of key issues, challenges and the operations of the municipality. The more informed your citizens are about the facts, the less likely they are to come to their own conclusions through assumptions or misinformation.

Citizens often express concerns that they:

- Have been treated unfairly by their municipality (council/administration).
- Feel their concerns are not being heard.
- Do not understand the process and policies that are in place.
- Do not understand why decisions have been made.

A good communication strategy and consultation process when changing policies or enacting bylaws can help with citizen engagement and understanding. Treating people on the principles of fairness, accessibility, responsiveness and efficiency will create a good relationship.



The ministry has developed a citizen's focused resource called [A Citizen's Guide to Shaping Council Decisions](#). Council members should be aware of the options available to the public for addressing council.

If citizens feel that they have not been treated fairly by the municipality, they can take their complaints to Ombudsman Saskatchewan, who has the authority to investigate complaints relating to administrative actions of the municipality or a municipal employee.

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.
- Should have given reasons for a decision or action.

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

Accountability:

- Take time to listen to citizens.
- Most citizens' complaints can be resolved through discussion.
- Citizens may elevate their complaints to the Ombudsman.
- All citizens have a right to take a municipality to court.

## Resources

Additional resources can be found on [saskatchewan.ca](http://saskatchewan.ca), including:

- [Conflict of Interest](#)
- [Public Disclosure Guide and templates](#)
- [Municipal Administration](#)
- [Municipal Administrators' Legislative and Operational Calendar](#)
- [The Municipalities Act](#)
- [The Northern Municipalities Act, 2010](#)
- [The Cities Act](#)

For more information, contact your administrator or a municipal advisor at:  
Ministry of Government Relations  
Advisory Services and Municipal Relations  
Phone: 306-787-2680  
Email: [advisoryservices@gov.sk.ca](mailto:advisoryservices@gov.sk.ca)