

2018 Council Member's Guide

Once Elected, What's Expected?



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CONGRATULATIONS!

You have been elected to serve an important role in your municipality. As an elected local government, your Council will be charting the course of your municipality into the future. You will be making decisions that affect every resident and property owner in your municipality. Considerable trust has been placed in you, along with other members of Council, to govern your municipality objectively, fairly and most importantly, with the public's best interest in mind.

As a municipal council member, you will no doubt have many exciting, often challenging, and very rewarding experiences. This guide provides you with an overview of what you can expect to encounter in your term of office, such as public participation in municipal decision-making, council's role in financial management, code of conduct, and conflict of interest. The guide also includes information about the roles of council and administration, as well as the Association of Manitoba Municipalities. It also provides you with helpful tips to assist you to make a positive and lasting contribution to your municipality.

The Association of Manitoba Municipalities, together with Manitoba Municipal Relations, wishes you success over your next four years!



Note: This guide is intended for information purposes only. Please refer to the Manitoba Municipal Act for more information – electronic copies of legislation are available online at Manitoba Laws website. You can also contact a Municipal Service Officer for any questions or clarifications at (204) 945-2572.



ASSOCIATION OF MANITOBA MUNICIPALITIES

IN THIS SECTION:

- **About the AMM**
- **Role of the AMM**
- **Get Involved**
- **Business Services**
- **Contact the AMM**

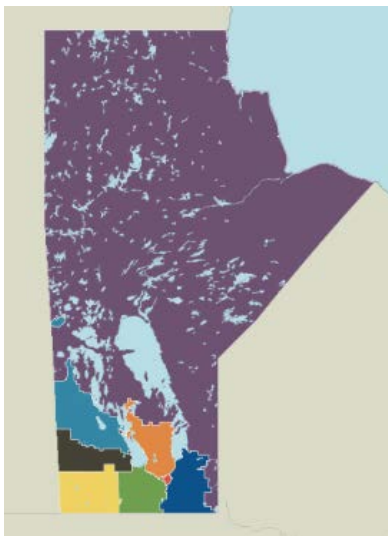
ABOUT THE AMM

In January 1999, the Association of Manitoba Municipalities (AMM) was formed out of a merger of the Union of Manitoba Municipalities (UMM) and the Manitoba Association of Urban Municipalities (MAUM).

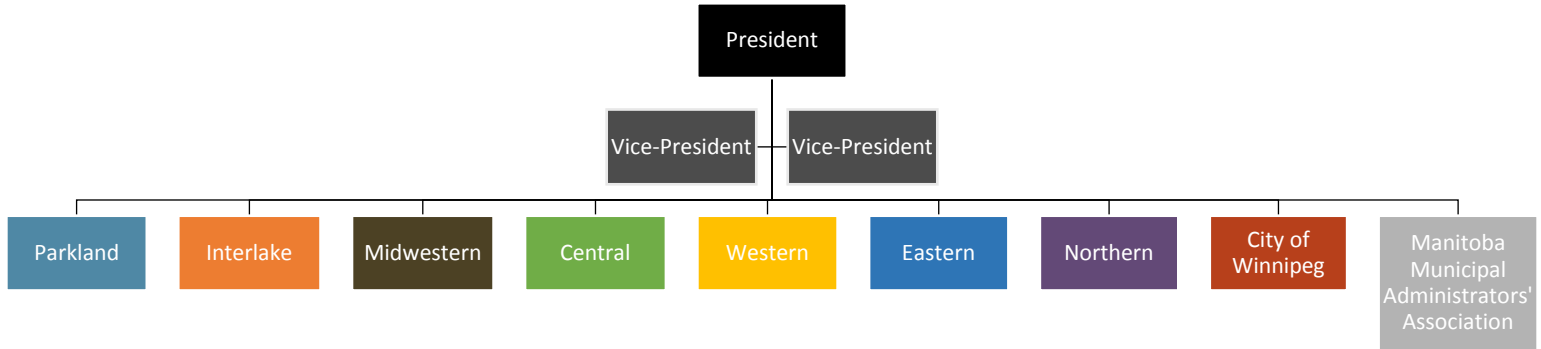
The AMM represents all 137 of the incorporated municipalities throughout the province, including the City of Winnipeg.

There are two directors for each of the districts, and one each for the City of Winnipeg and the Manitoba Municipal Administrators' Association. The Executive Members (one President and two Vice-Presidents) are elected every two years during the annual AMM Convention, and the district Directors are elected every second year during the June District Meetings.

The City of Winnipeg Director is appointed annually, and the Manitoba Municipal Administrators' Association President serves as an ex-officio member of the AMM Board.



AMM Executive and Board of Directors



ROLE OF THE AMM

Municipal government is the order of government often described as “closest to the people.” At the AMM, we believe that statement to be true. Our members are the mayors, reeves, and councillors that represent the citizens of Manitoba’s incorporated municipalities. Our mission is to identify and address the needs and concerns of those members to achieve strong and effective municipal government.

The AMM has looked at what the future holds for municipal government and is trying to help municipalities meet the challenges facing them. Through its lobbying and advocacy activities, the association provides the support and leadership needed to promote strong, functional councils that truly represent the order of government “closest to the people.”

GET INVOLVED

The AMM Board and staff recognize the importance of the time our members invest to attend our events, and have carefully considered the topics, presentations as well as format, to ensure that the experience benefits you in your role as a municipal official.

Member Meetings

The AMM engages with members through three different organized meetings every year, including Municipal Visits, Mayors, Reeves and CAOs Meetings, and June District Meetings.

Municipal Visits

Throughout the year, the AMM Executive and the District Directors attend Municipal Visits to meet with individual councils and administration. The Municipal Visits allow you and your council to discuss the issues that specifically affect your

municipality. These member meetings are also a time for the AMM to update your council on some of the issues the AMM Board has been involved in during the recent months and what the organization will be working on in the future. The AMM Executive visits each municipality at least once during the 4-year period in-between municipal elections, and municipalities in the Northern District are visited at least twice.

Mayors, Reeves and CAOs Meetings

In addition to the Municipal Visits, the AMM offers two major meetings for its members at the district level, one of which is the Mayors, Reeves and CAOs Meetings. Each spring, the AMM meets with heads of council and senior administrators for the Mayors, Reeves and CAOs meetings. Along with reports from the AMM Executive, members participate in an interactive presentation, soliciting feedback on municipal policy issues and/or provincial government initiatives

June District Meetings

The second major type of member meeting held at the district level is the June District Meeting. During the June District Meetings, the AMM Executive and District Directors meet in each District to discuss municipal issues with the members. At this time, resolutions for the next Annual Convention are also brought forward. Every second year, AMM District Directors are elected during the June District Meetings.

Municipal Officials Seminar and Trade Show

Following the Mayors, Reeves and CAOs meetings, the AMM hosts the Municipal Officials Seminar (MOS) and AMM Trade Show. The MOS is held each March or April and alternates between Winnipeg and Brandon. This two-day event's program features valuable professional development sessions and a variety of up-

to-the-minute municipal policy issues. Manitoba's largest Trade Show for municipal business runs on the first day of the MOS.

AMM tradeshows strengthen your ties to Manitoba by connecting Manitoba's municipal decision makers to businesses and companies throughout the province. The AMM holds two major tradeshow events each year; a Display Area during the Annual Convention each November, and the Trade Show in conjunction with the MOS in either March or April.

Annual Convention

The AMM Annual Convention is the annual general meeting of the entire AMM membership. The Annual Convention is held each November and alternates between Winnipeg and Brandon. It is the largest AMM event of the year and brings together approximately 900 delegates.

The AMM's Annual Convention provides elected officials with a vast amount of learning opportunities, including; sessions on the latest program and developments for local government, Trading Company Show vendors with their innovative products and services, the highly anticipated Ministerial Forum where the Provincial Cabinet take questions from members, debating and voting on resolutions, hearing from some highly inspirational keynote speakers and most importantly, connecting with your counterparts from around the Province.

Education Program

The AMM offers productive and progressive training to benefit municipal officials throughout your term of service. The AMM Education Program follows the elected municipal officials' term of service. The structured program includes workshops that build upon each year's topics and incorporates the competencies that effective municipal government professionals must demonstrate in their roles. The program topics include; governance, leadership,

communications, finance, legal issues, legislation, media training, strategic planning, personal development, and human resources.

BUSINESS SERVICES

AMM Insurance Program

For over 40 years, Western Financial Group Insurance Solutions has worked in partnership with the AMM to provide an innovative commercial insurance and employee benefits program to its members. The AMM Insurance Program provides municipalities with an insurance program that not only provides superior coverage, but also offers comprehensive risk management strategies.

Western Financial Group Insurance Solutions is committed to working in partnership with the AMM and its members to provide an insurance program that is responsive to their changing risks and needs. If you have questions regarding the AMM Insurance Program or would like to speak to an Insurance Advisor about your current policy, please contact us at 1-800-665-8990 or visit www.westernfgis.ca/amm.

Commercial Insurance

The AMM Commercial Insurance Program operates under a “Protected Self-Insurance” structure enabling municipalities to collectively insure under a Self-Insured Retention, while being provided with in-house underwriting, risk management services, and claims services. The program offers municipalities with a sense of ownership of their insurance program and provides risk management advisors and strategies to help municipalities control losses. All AMM member municipalities outside Winnipeg participate in the AMM’s property/casualty “protected self-insurance” program, administered by Western Financial Group Insurance Solutions

The program has provided best-in-class coverages that cannot be attained through the open-market as well as stabilized pricing and affordability. Further to this, due to the unique Self-Insured Retention, the AMM is provided the opportunity to receive returns of premium during surplus years when claims are low.

Coverage options have been tailored to the unique risks faced by municipalities in Manitoba, including:

- General Liability
- Property
- Cyber Liability
- Public Entity Management Liability
- Equipment Breakdown Coverage

Employee Benefits

The AMM Insurance Program currently provides comprehensive benefits coverage to more than 1,500 employees, councillors and volunteers across Manitoba. By operating under a Protected Self-Insurance model, the AMM Employee Benefits Program is able to offer significant rate stability, while still providing comprehensive coverage options and exceptional service. Coverage options are tailored to the needs of municipalities, including:

- Health, Vision, & Dental
- Optional Life & Accidental Death and Dismemberment
- Optional Disability and Critical Illness Coverage
- Health Care Spending Accounts
- Employee Assistance Program (EAP)

*Eligible members include full-time, part-time, and seasonal employees.

Trading Company

The Trading Company is the business arm of the AMM. The Trading Company allows the members of the AMM to purchase products and services at low prices through the power of bulk buying. The Official Suppliers in the program offer hundreds of municipal products and services. Each individual supplier has a contract that ensures the best possible pricing for members.

Human Resources

The AMM has partnered with People First HR Services to provide ‘@ Your Service’, which offers dedicated on-call access and professional human resource advice to our members. @ Your Service offers members the ability to make faster and more thoughtful people management decisions, at no cost to you.

CONTACT THE AMM

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Facebook	Association of Manitoba Municipalities



ROLES & RESPONSIBILITIES OF MUNICIPALITIES

IN THIS SECTION:

- **Role of Municipalities**
- **Municipal Services**
- **Resources**

ROLE OF MUNICIPALITIES

Municipalities are mature governments, which are democratically accountable to their citizens and responsible for delivering local public services.

Municipalities exist to make important decisions about the local services, programs, facilities and infrastructure that citizens rely on every day. As a government, citizens also expect municipalities to establish local laws, make decisions about taxes and the community's finances, plan for the future, and to protect the municipality's resources.

Municipalities must provide certain services and may choose to deliver many additional services to their citizens. Manitoba's laws affect what services municipalities must provide, and may also affect how services can be delivered.

Municipalities have broad, flexible powers to help them achieve their goals.

Government Powers

Government powers directly impact people and property.

Municipalities may tax properties, sell properties that do not pay their taxes, and expropriate private property for public use.

Municipalities may also create and enforce many of their own laws, such as laws for animal control, noise or unsightly property.

Corporate Powers

Corporate powers allow municipalities to buy land, infrastructure or equipment, hire employees, enter agreements, and determine how the organization is structured.

MUNICIPAL SERVICES

Required Services

Road Maintenance:

Municipal roads must be maintained to meet their expected use.

Waste Management:

Municipalities must provide services for residents to dispose of garbage and waste (e.g., landfill, recycling centre).

Fire Services:

Fire protection must be provided – at a minimum, education programs and inspections for certain types of buildings. Most municipalities also arrange for fire fighter protection.

Police Services:

Municipalities must have police services. In many municipalities policing is already provided by the Province of Manitoba and RCMP.

Required Services (continued)

Land Use Planning:

Municipalities must create and enforce laws about how land can be used, such as zoning, development plans or building by-laws.

Building Inspections:

Building codes, standards and inspections are a municipal responsibility.

Emergency Management:

Municipalities have to be prepared for emergencies by putting plans and programs in place and having people ready if something happens.

Weed Control:

Municipalities must control weeds within their boundaries.

*Your municipality may also be required to provide other services.
Check with your CAO if you have questions.*

Other Services

Municipalities may also choose to provide additional municipal services. Ideas for existing or new municipal services should be discussed with the rest of Council and the CAO.

Water and Sewer Services

Many municipalities provide drinking water and sewage disposal services to their citizens.

Recreation

Parks, museums, swimming pools, hockey arenas, community halls, libraries, greenspaces, children's programs, and much more.

Economic Development

Programs to attract or keep businesses are another common municipal service, and often neighbouring municipalities work together to keep their region strong.

Animal Control

Municipalities can make laws and programs to deal with pets, livestock or other animals.

Cemeteries

Public cemeteries are often run and maintained by municipalities.

Transit

Many municipalities offer some type of transportation service, such as a Handi-van or public transit.

Insect Management

Bug control is another service that some municipalities offer.

RESOURCES

Economic Development

Manitoba Growth, Enterprise and Trade - www.gov.mb.ca/jec/rned/

Emergency Management

Manitoba Emergency Measures Organization (EMO) - www.gov.mb.ca/emo/contact/

Fire Services, Building Inspections

Office of the Fire Commissioner - www.firecomm.gov.mb.ca

Land Use Planning

Manitoba Planning - www.gov.mb.ca/mr/land_use_dev/

Municipal Finance and Advisory Services

www.gov.mb.ca/mr/mfas/

Police Services

Royal Canadian Mounted Police - www.rcmp-grc.gc.ca/mb/

Manitoba Justice - www.gov.mb.ca/justice/

Waste Management

Manitoba Sustainable Development - www.gov.mb.ca/sd/envprograms/swm/

Water and Sewer

Office of Drinking Water - www.gov.mb.ca/waterstewardship/drinking_water/

Manitoba Water Services Board - <https://www.gov.mb.ca/mr/mwsb/mwsb.html>

Public Utilities Board - www.pubmanitoba.ca

Weed Control

Manitoba Weed Supervisors Association - www.mbweeds.ca



ROLE OF COUNCIL

IN THIS SECTION:

- **Role and Duties of Council**
- **Duties of Council Members**
- **Duties of the Head of Council**
- **Council Compensation**

ROLE AND DUTIES OF COUNCIL

Roles of Council

Council is the group of elected representatives who make decisions for the municipality. Council has four major roles:

- **Decision-making** – Council is responsible for making fair and transparent decisions based on relevant information, discussion and a majority vote.
- **Governance** – Council is responsible for passing the local by-laws that govern people and their municipality on a wide range of topics, from animal control to zoning.
- **Representation** – Council is democratically elected. As representatives of the community, council members are responsible to listen to and engage with the public, and consider the best interests of the whole municipality.
- **Stewardship** – Council is responsible for the supervision and care of the municipality's resources. This means making sure that infrastructure, money and staff are used properly and effectively. This also means planning strategically for the challenges and opportunities of the future.

Only council as a whole can make decisions for the municipality, and all council members must respect the decision even when they did not vote in favour.

Duties of Council

Council as a whole must:

Develop and evaluate the policies and programs of the municipality. Council decides the type and level of services that will be delivered, and should make sure these services are meeting council's objectives.

Council is also responsible for the municipality's policies, which keep decisions clear and consistent for the public, administration and council.

Ensure that the powers, duties and functions of the municipality are appropriately carried out. Council is accountable to the public for its decisions and how the municipality operates.

Carry out the powers, duties and functions given to Council by legislation. Council is responsible to ensure that the municipality acts within the law, and meets any legislated requirements. A municipality can be taken to court by any person if it acts outside its legal authority.

DUTIES OF COUNCIL MEMBERS

Council members have an equal voice at the council table – every council member has one vote and must consider the needs of the entire municipality.

Individual council members cannot make decisions on behalf of the municipality, and may be held legally or financially liable if they do.

All council members must:

- **consider the interests of the municipality as a whole.** All council members, even if elected by ward, have a responsibility to the whole of the municipality.
- **participate in developing and evaluating the municipality's programs and policies.**
- **participate in Council meetings**, and on other bodies that you are appointed to. Council members are expected to attend and be actively involved.
- **keep municipal matters confidential** if they are discussed at a closed meeting. The consequence for breaching confidentiality is disqualification from council.
- **comply with the Council Code of Conduct.** Councils must have a code of conduct for members to follow.
- **declare assets and avoid conflicts of interest.** You will need to fill out a statement of your assets and keep it up to date. If something comes before council where you may have a conflict of interest, get advice before getting involved.

DUTIES OF THE HEAD OF COUNCIL

All Councils have a Head of Council, who is often the main spokesperson for the municipality when expressing the municipality's position to the media or the public, and when attending community events. The Head of Council has some additional responsibilities beyond that of other council members.

The Head of Council must also:

- **provide leadership and direction to council.**
- **preside over all Council meetings and committee meetings when in attendance**, unless the municipality's procedures by-law says otherwise.
- **act as a signing authority** for the municipality.
- **call a special council meeting** If requested in writing by two other council members.
- **make sure that any FIPPA requests for information are dealt with appropriately** (The Freedom of Information and Protection of Privacy Act).

COUNCIL COMPENSATION

Council has the responsibility to set its own compensation. Council compensation is almost always a sensitive topic, and municipalities may avoid negative criticism about payments made to members of council by making sound rules for compensation and reimbursement of expenses.

Council can also make rules about repaying council members for expenses they have while on municipal business (e.g. mileage, meals).

The amount that council members are paid for compensation and expenses is public information.

Things to Consider:

- What similar municipalities do?
- What your ratepayers can afford?
- How much time council members spend on municipal business?



COUNCIL BEHAVIOUR & CONDUCT

IN THIS SECTION:

- **Council Code of Conduct**
- **Conflict of Interest**
- **Public Interest Disclosure
(Whistleblower Protection) Act**

COUNCIL CODE OF CONDUCT

Citizens expect that as a member of council, you will fulfill your duties with honesty and integrity. The Municipal Act requires municipalities to establish a Council Code of Conduct. As a member of council, you have a duty to comply with the code of conduct.

All Manitoba municipalities are required to adopt a code of conduct.

The Council Code of Conduct establishes the standards and values that you will be expected to meet in carrying out your duties. Codes of conduct should provide clear guidelines on acceptable behaviour for council members in dealing with each other, employees and citizens. Council should annually review your Council Code of Conduct to make sure it meets the needs of your municipality and to consider whether revisions are required. A resolution of Council is required to approve any revisions.

Contents of the Council Code of Conduct

Council codes of conduct typically include specific rules about expectations for the conduct of council members. For example, your code of conduct might include provisions about respectful conduct of council members, respect for the decision-making processes of the municipality, or respect for the role of administration.

Codes of conduct should not duplicate things that are already covered by other laws, such as conflicts of interest (The Municipal Council Conflict of Interest Act) or criminal acts (The Criminal Code of Canada). These laws have their own processes and penalties to deal with violations that are beyond council's authority.

Codes of conduct should be made publically available. Council may also consider posting the Code of Conduct electronically on the municipality's website.

A sample code of conduct may be found in The Municipal Act Procedures Manual, which your CAO can provide.

Code of Conduct Sanctions and Penalties

Council as a whole has the authority to censure a member who breaches the code of conduct. A censure is a public reprimand which shows that council disapproves of the council member's conduct. To censure a member of council, approval of a majority of all council members plus one is required. The Municipal Act Procedures Manual, distributed to all municipalities by Manitoba Municipal Relations, sets out the steps Council can follow in considering a decision to censure a member.

Other sanctions and penalties currently available to municipalities include:

- Removal of a council member from a meeting;
- Removal of a council member from membership of a committee or local board;
- Removal as Chair of a committee; and
- Reduction or suspension of remuneration.

What if I am being harassed or threatened by a member of the public?

In the event that you or any other member of council is being harassed or threatened by a member of the public, you may:

- Have the individual removed from the council meeting;
or
- Contact your local law enforcement

CONFLICT OF INTEREST

As a member of council, you are in a position of trust. The public expects you to act in the best interests of the municipality.

A conflict of interest is when a person in public life is in a position where a personal interest may, or may appear to, conflict with their role as a municipal councillor. The Municipal Council Conflict of Interest Act generally defines a conflict of interest as a financial interest.

The Municipal Council Conflict of Interest Act ensures that municipal councils make decisions objectively and without influence from a member of council who may have a personal interest in, and may benefit from, the outcome of council decision. The Act defines situations when an individual council member's personal interest or the interest of their immediate family (spouse or dependent child) conflict with the broader municipal interest. It also imposes penalties on council members when they put their personal interests first.

Understanding the rules of the Act allows you to perform your duties without fear of unintentionally becoming involved in a conflict of interest situation.

Only the Court of Queen's Bench can determine if a council member has a conflict of interest. A voter or a council can apply to the court if they believe that a council member has violated The Municipal Council Conflict of Interest Act. The court will hear the evidence and will make a decision. If the court decides that the member of council violated the Act the member could be disqualified from council and ordered to pay back anything gained from the conflict of interest.

Important

- Council members must make decisions in the best interest of the municipality.
- Only you can determine when you have a financial interest in a matter. Your Council or Chief Administrative Officer (CAO) cannot determine that for you.
- If you are in doubt as to whether you have a financial interest, contact your lawyer.

Statement of Assets and Interests

All Council members must annually file a Statement of Assets and Interests with their CAO, no later than **November 30** each year.

The Statement of Assets and Interests lists your real estate holdings in Manitoba (other than your principal residence) and any personal financial interests that you, or your immediate family member (spouse or dependent child) have. Only the nature of the financial interest must be disclosed, not the details such as the amount of your salary, the value of your holdings, number of shares you own, etc.

The statement is a public document and can be viewed by the public at any time during municipal office hours. A copy of your statement may be provided to individual citizens on request. Public access to the statement enables citizens to assess if they believe a council member may have a conflict of interest.

It is your responsibility to keep your Statement of Assets and Interests up to date. You must file another statement disclosing the new asset or interest with your CAO within 30 days if you acquire or dispose of any assets or interests after filing the original statement.

Disclosure at Meetings

The Municipal Act sets out the procedures you must follow if a matter in which you or your immediate family member (spouse or dependent child) have a financial interest comes before any meeting in which you are taking part in your capacity as a member of council, including Council meetings, sittings of a Board of Revision, etc.

Your interest may be direct, for example you are a business owner and Council is making a zoning decision that affects your business, or indirect, for example your spouse is employed by a business that your municipality is considering awarding a contract to.

Sometimes a pecuniary interest is not very clear. The first step is to ask yourself whether you or your spouse or your dependent child stand to gain or lose financially by Council's decision.

If you believe you have a financial interest:

- You must disclose the interest and its general nature before the matter is discussed at the meeting. Disclosures may be oral or given in writing.
- You must immediately withdraw from the meeting without voting or participating in the discussion on the matter. Your withdrawal must be recorded in the meeting minutes. The record of your disclosure and withdrawal is available to the public.
- You must not attempt to influence the decision on the matter. You should leave the room when council debates the matter. When the matter is concluded, you may return to the room and Council table.

Important

If you are absent from a council meeting at which a matter you have an interest in is discussed, you must disclose your interest at the next council meeting

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) ACT

The Public Interest Disclosure (Whistleblower Protection) Amendment Act (PIDA) will come into force on December 4, 2018.

The Act facilitates the disclosure and investigation of significant and serious wrongdoing in or relating to public bodies, and protects persons who make disclosures from reprisal. The Act applies to employees of government departments, government bodies and offices such as regional health authorities, child and family services authorities and any government body designated by regulation.

These amendments will allow municipalities and local government districts to opt in to the Act. Employees of municipalities that have chosen to opt in will be able to make a disclosure of wrongdoing and will be afforded the reprisal protections provided under the Act.

More information on whistleblower protection can be found at:
www.gov.mb.ca/csc/whistle/index.html

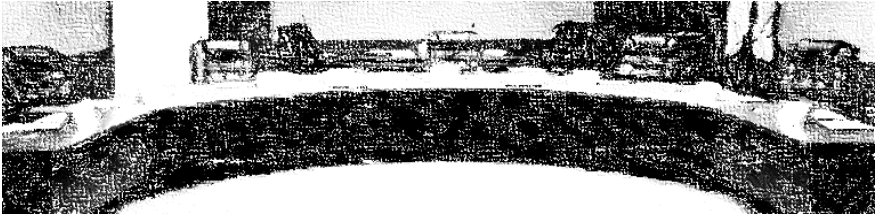


COUNCIL MEETINGS

IN THIS SECTION:

- **The First Meetings**
- **Making Decisions**
- **How Meetings Work**

THE FIRST MEETINGS



Take your Oath of Office. Before you can sit as a council member, you must take an oath. Talk to your CAO if you have any questions.

Get to know the people you'll be working with for the next 4 years. A good working relationship with the rest of Council and your administration will make it easier to get things done.

Get appointed. Councils often have their own committees or assign members to represent them with other community groups. Express your interests so that Council knows where you fit.

Get oriented. Most municipalities provide council with some orientation materials or sessions. These are a good way to get a handle on how the municipality operates, and what issues will demand your attention soon.

Review your Organization and Procedure By-Laws. Council must review these by-laws at least once during their term. These by-laws determine how your organization is structured, and how your Council meetings are run.

It is best to review these by-laws during one of your first meetings so that you are familiar with them. They can also always be changed or amended at a later date.

MAKING DECISIONS



You cannot make decisions alone.

As a single council member, you have no authority to unilaterally make any decisions on behalf of council. Only Council as a group can make decisions for the municipality.

Council may only make decisions during a meeting which is open to the public. There are three methods that Council can use to make decisions: resolutions, by-laws, or policies.

Resolutions

Resolutions are used for one time or routine decisions, like approving payments, monthly financial statements, or hiring a consultant.

Draft resolutions are normally prepared ahead of time by your CAO. Any council member can “move”, or suggest, a resolution.

If another Council member “seconds” the resolution, Council may discuss or amend the resolution before voting on it. If a majority of the Council members who are present vote in favour, the resolution is passed, and Council has made a decision.

Here are a couple examples of what resolutions look like:

1. **BE IT RESOLVED THAT** the RM’s accounts for June totalling \$47,873 be approved and paid.
2. **BE IT RESOLVED THAT** all of Council is authorized to attend the Town golf classic on August 18th;
AND THAT expenses be paid according to the Town’s expense by-law.

By-Laws

By-Laws are normally used for decisions which will have a long-term impact on the community. Manitoba's laws require you to use a by-law for some types of decisions (such as zoning, borrowing money, or setting tax rates). Your CAO can let you know when a by-law must be used.

Passing a By-Law

- Each by-law must be voted on three times before it is passed (these are called "readings")
- Council can discuss or change the proposed by-law before each reading
- Only two readings are allowed per meeting, so it takes at least two meetings to pass a by-law
- On the third reading, how each council member votes must be recorded in the minutes

For some by-laws, council must get approval from another organization before the by-law is given third reading, such as the Municipal Board, Public Utilities Board or a provincial department. Your CAO can let you know when extra approval is required.

Policies

Policies can be thought of as a standing decision, and are normally approved by a resolution.

For example, instead of continually deciding on requests for dust control, Council could approve a policy where each property receives dust control twice a summer.

Policies help promote fairness and free up council time by keeping repetitive decisions off the Council agenda.

Making policies and having them available helps make decisions fair, consistent and understandable for the public.

Council should work with their CAO to regularly review old policies and make sure they stay up to date. For example, municipalities should make sure their tendering and procurement policies meet the new requirements of the New West Partnership Trade Agreement.

Being an Effective Decision-Maker

The following are some time-tested advice to ensure that you are an effective member of council:

- **Be ready for meetings.** Read the agenda and any reports ahead of time, and think of any questions or points you want to raise for each issue.
- **Keep it professional.** Decisions are a team effort, and it is important to respect the rest of Council and their views even if you disagree.
- **Get good advice.** Your administration is your best support, and your CAO can provide Council with the information needed to make good decisions, or find an expert who can.
- **Talk and listen.** Be sure to express your views, and seek out the opinions of other council members.

Fair Decisions

Citizens expect Council to make fair decisions. When you are making decisions that affect the public, you should:

- **Use relevant information.** Do not consider things that are not relevant to the issue.
- **Be consistent.** Citizens expect that people in similar situations will receive similar treatment from council.
- **Be reasonable.** Good decisions should make sense to citizens and not create unnecessary hardships. If it is hard to explain the reasons for a decision or show why it is necessary, then you may want to rethink that decision.

HOW COUNCIL MEETINGS WORK

Your municipality must have a Procedures By-Law that sets out the specific requirements and procedures for meetings.

Quorum

Council meetings require more than half of Council to be present before the meeting starts and during the meeting. A council member who participates electronically is considered to be present. Council cannot make decisions or hold discussions otherwise.

There is an exception to this requirement if a member declares a conflict of interest and withdraws from a meeting (discussed under the Council Behaviour and Conduct section in this Guide).

Open Meetings

Council meetings must be open to the public so citizens can hear Council's debate. The Municipal Act allows councils to meet in a closed or "in camera" meeting only in very specific situations, such as discussing legal or staff issues.

Council cannot pass any resolutions if the meeting has been closed to the public. Any discussions during a closed meeting must be kept confidential, or you may be disqualified from council.

Attendance

Council members have a responsibility to attend Council meetings. If you miss three regular meetings in a row, you may be disqualified from council unless council has approved the absence.

Regular and Special Meetings

Councils are required to hold regular council meetings which are set in the municipality's Procedures By-law. Councils can also hold additional meetings, normally when something important or unexpected happens that cannot wait for the next regular meeting.

Agendas

Meetings are organized through a formal agenda, which helps keep meetings efficient and on track. Your Procedures By-law will provide guidelines for developing agendas.

You should expect the CAO to provide you with the agenda and supporting documents before each Council meeting in a timely fashion, so that you can participate in the debate and be prepared to make informed decisions.

Voting

All council members, including the Head of Council, have one vote unless they have a conflict of interest in the matter. When there is a tie vote, the resolution or by-law is defeated.

Any council member may request that a vote be recorded. The way each council member voted must then be shown in the minutes.

Minutes

Council meeting minutes are the official public record of Council's decisions, and are normally taken by your CAO. Minutes must be made available to the public in a timely fashion, and are typically posted on municipal websites.

Meeting minutes do not include statements or debate – they are a record of decisions only.



FINANCIAL MANAGEMENT

IN THIS SECTION:

- **Council's Role**
- **Budgeting**
- **Taxes**
- **Financial Reporting**

COUNCIL'S ROLE

Council is accountable to the public for the municipality's financial position. The public will expect council to keep the municipality financially healthy and sustainable long into the future.

Council sets the municipality's budget each year, monitors the municipality's finances during the year, and reports to the public about how the municipality's finances are doing when the year is over. Council is also involved in planning for future projects in the municipality.

As a council member, you are not expected to be an accountant or an auditor. You should expect your CAO to provide you with the information you need, and in a format that you can understand.

Regular Financial Responsibilities

- Monthly:** Review your internal financial statements
- Monthly:** Make sure that all payments are properly authorized
- Jan:** Adopt a temporary operating budget if the financial plan is not finished
- Jan - Feb:** Consult the public and finalize the annual budget
- May – June:** Make sure that you are on track with the audited financial statements
- June-July:** Make sure you are on track for property tax bills being printed and sent out
- Oct – Dec:** Determine whether the municipality will have a surplus or a deficit. Deficits require provincial approval.
- Oct – Dec:** Start making decisions for next year's financial plan

Key Deadlines

- March 15**: Last day to file the unaudited financial statements with the Province
- May 15**: Last day to file your financial plan with the Province
- June 15**: Last day to file the by-law setting your taxes with the Province
- June 30**: Audited financial statements are due
- August 31**: Last day to appoint an auditor for the current year
- December 15**: Last day to file your Asset Management Plan progress report with the Province

BUDGETING



Each year's budget is where the rubber meets the road.

The annual budget, or financial plan, is one of Council's most important decisions.

The financial plan will determine:

- What services are provided and their cost
- What resources are available for these services
- Property tax rates and other sources of revenue
- Major purchases – buildings, equipment, etc.

Municipal financial plans cannot have a deficit (when the municipality spends more than it receives) without special permission from the Province. Council will need to raise taxes or other revenue to pay for any increased spending.

The Financial Plan

Your taxpayers and other organizations will rely on this financial plan for information about your municipality. Make sure it is completed fully and accurately. The municipal financial plan has several important parts:

- The **Operating Budget** sets out how much will be spent on services
- The **Capital Budget** sets out how much will be spent on infrastructure or equipment
- The **5-Year Capital Plan** shows the projects that the municipality is planning over the next 5 years

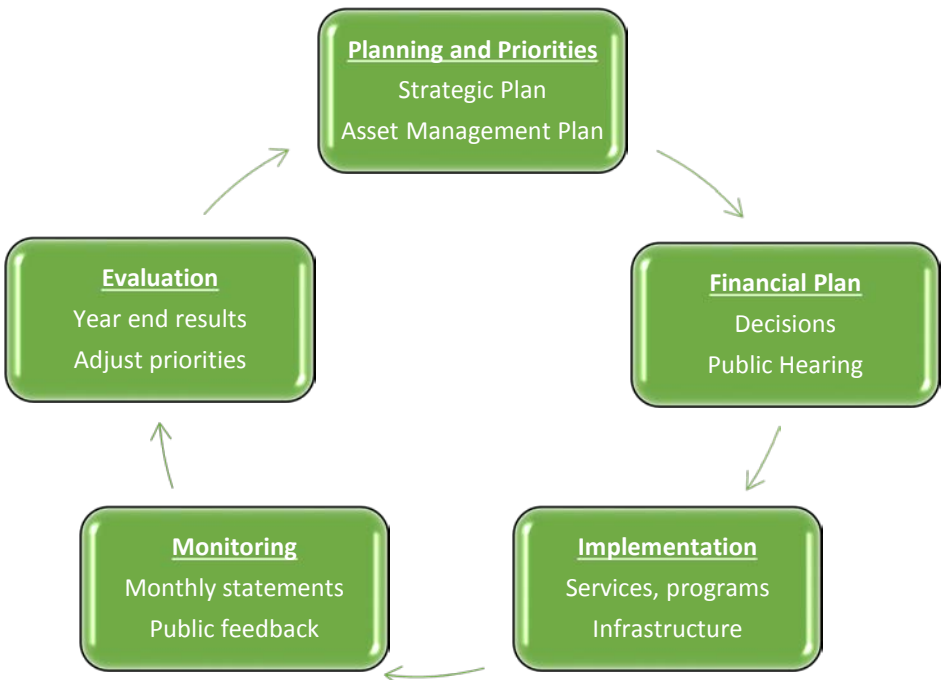
Each part of the financial plan must balance, and has to identify where money will come from to pay expenses.

Preparing the financial plan and holding the required public hearing can take lots of time. **Get started early.** If you do not have a financial plan in place by January 1, you will also need to pass a temporary operating budget until the financial plan is approved. The financial plan is due on **May 15**, and Council must also hold a public hearing before finalizing it.

The Budgeting Process

Making and implementing the financial plan is a team effort:

- **Council** does strategic planning, sets priorities and makes decisions, and monitors results
- **CAO** provides information, analysis and implements the financial plan;
- **Public** provides feedback.



Food for Thought

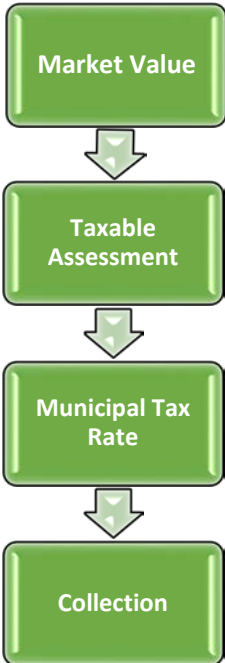
As a member of Council, you are expected to be involved in the budgeting process. When engaged in the budgeting process, here are some good questions to ask yourself, the rest of Council, or the CAO:

- What effect does this budget have on the public?
- Are some people affected differently (cottagers, farmers, businesses, rural or urban residents)? Why?
- Does this budget reflect council's priorities? Has council set priorities?
- Are our services affordable and efficient?
- Are we also planning for the future? Is there enough set aside for a rainy day?
- How do we compare to similar municipalities?
- Are our property taxes reasonable and fair?
- How do our property taxes compare to last year?

TAXES

Property taxes are the main source of revenue for most municipalities.

How Property Taxes Work



- Manitoba Assessment Services will provide the probable market value of each property in your municipality.
- Municipalities can only tax a portion of a property's market value:
 - Businesses: 65% of market value
 - Residences: 45% of market value
 - Farms: 26% of market value
- As part of your budget, you will set a general tax level for all properties (called a "mill rate"), which is how much tax has to be paid for each \$1,000 of taxable assessment.
- The municipality is responsible for collecting property taxes, and can charge penalties for late payment, or even sell property for back taxes.

Caution: Comparing your mill rate with last year is not a good way to find out if you have kept taxes the same, because market values are updated every 2 years. Look at the overall dollar amount of the taxes you will collect instead.

For example, if the market value of every property doubles but the mill rate stays the same, you will collect twice as much tax even though the mill rate is unchanged.

Tax Tools

Municipalities may have many different types of property, and often provide different services in different parts of the municipality. For example, there may be garbage collection for residents in a small urban community, but not for rural residents. A general property tax alone may not fairly distribute all the costs of municipal services.

Municipalities have been provided with special tax tools to help them keep taxes fair for their residents:

- **Special service taxes** – only property owners that receive a specific service pay for the service through these taxes. These taxes can be set in several ways, such as a flat charge per property or based on a property's size. Special service taxes require a public hearing and have to be approved by the Municipal Board.
- **User fees and charges** – users of a specific service or program pay for them directly when using the service. Council can set the services for which it will charge a fee, the amount of the fee, and who is required to pay. Many municipalities have fees for licenses, permits, recreation programs, etc. Fees and charges are established by by-law.
- **Tax credit programs** – municipalities can provide property tax credit programs by by-law. This tool is very flexible, and council has broad authority to design these programs. However, providing a tax credit means that everyone else will have to pay more taxes to make up for the credit.

FINANCIAL REPORTING

The Financial Plan

The financial plan is not just about the current year – it must also report last year’s plan and the actual results. The public may have questions about last year’s results when the current financial plan is presented at the public hearing, so be prepared.

The Audited Financial Statement

The annual audit of the municipality’s year-end financial statements is Council’s most important tool for reporting on the financial position of the municipality. The audited statements are used by the public and by other organizations to review the municipality’s financial position and operations.

Council must appoint an auditor each year. Your auditor must submit the audit to Council by **June 30** of the following year, as well as send a copy to the Province.

The auditor will also prepare an opinion and supplementary report which tells Council about any problems with the municipality’s accounting procedures or financial controls, or any other issues they discover. Council may request that the auditor report at a council meeting to discuss the audited statements and the supplementary report.

Municipalities must give public notice when the audited statements are ready, and provide them on request. Many municipalities post their financial statements on their websites so they are easily accessible.

Important

Make sure your annual audited financial statements are received by **June 30** and made available to the public.

The Asset Management Plan

Asset management is an important tool for elected officials to make decisions on infrastructure investments.

Asset management plans outline how a municipality will manage municipal infrastructure in order to provide services to residents and other users in a way that meets their expectations and is financially sustainable into the future.

As municipalities increase their capacity and make progress in developing and implementing asset management, it is expected that they will re-evaluate their timelines and reset goals to align with their current situation.

Municipalities are required to submit asset management status reports to the Province by **December 15** of each year, until a full municipal asset management plan is complete.

An introductory guide to Asset Management is available at www.amm.mb.ca.

Fundamental components of asset management include:

- **Asset Management Policy** – adopted by Council.
- **Asset Management Strategy** – setting out the overall goals and objectives for asset management.
- **Asset Information** – inventory or registry of municipal assets, including technical and financial data, condition assessments, and life cycle costs.
- **Risk Assessment and Management** – identification of key risk and mitigation measures related to municipal assets.
- **Demand Analysis** – analysis of levels of service expected by residents from the use of the asset.
- **Asset Management Plan** – overall plan for how assets will be renewed / replaced.
- **Financial Strategy** – integration into municipal financial planning and decision making.



ROLE OF ADMINISTRATION

IN THIS SECTION:

- **Role of Administration**
- **Chief Administrative Officer**
- **Designated Officer**
- **Employee Code of Conduct**

ROLE OF ADMINISTRATION

Your administration (CAO and staff) is responsible for providing advice and implementing Council's decisions and policies. The administration takes care of the everyday work of running the municipality – delivering services, interacting with the public, and preparing advice for Council to consider.

Council steers the boat, and administration rows.

The CAO is the head of the administration and Council's advisor. The CAO is the employee who reports directly to Council, with all other municipal employees reporting to the CAO. Council may, however, request other employees to present to council to share their expertise.

An open, trusting and professional relationship between Council and the CAO and administration is vital to the smooth operation of your municipality.

To work well with administration, council should:

- Be ready for meetings and willing to participate
- Communicate decisions and expectations clearly
- Avoid interfering with day-to-day operations and staff – direction from Council should go to the CAO
- Give (and accept) constructive feedback
- Provide the resources staff need to succeed at their tasks

CHIEF ADMINISTRATIVE OFFICER

The CAO is responsible for the administration, financial management, and human resources in your municipality. All municipalities must have a CAO, and can choose to share a CAO with a neighbouring municipality.

CAOs have specific duties under The Municipal Act, which they may delegate to other municipal employees. Your CAO must:

- Implement the municipality's policies and programs
- Keep minutes of each council meeting
- Advise and support council
- Keep finances well-managed
- Report on the operations and affairs of the municipality to council
- Manage and lead other employees

Council should expect the following from CAOs:

- Meeting agendas and supporting documents are available to council before a meeting
- Easy-to-understand monthly financial statements so council can understand the municipality's financial health
- Accurate and timely reports for council to consider, with options, recommendations and other relevant information
- Issues that need council's attention are brought forward quickly
- Respect for council's role as the decision-maker
- Council's policies and programs are being implemented
- Citizens are treated respectfully

Council should also have a process to regularly review the CAO's performance (at least once each year). Performance reviews are an opportunity for council to provide feedback to the CAO on their strengths and on areas requiring improvement.

Every municipality should have a position description that clearly outlines your CAO's duties and responsibilities. An effective position description defines the responsibility of the job, as well as the results that the CAO is expected to deliver. Refer to "A Guide to Hiring Your Chief Administrative Officer", available as part of The Municipal Act Procedures Manual from Manitoba Municipal Relations.

DESIGNATED OFFICER

Council can establish designated officer positions by by-law to carry out certain powers, duties or functions. Certain duties that are established in The Municipal Act, must be performed by a designated officer. This includes signing the municipality's cheques, inspecting properties and enforcing by-laws.

A designated officer may further delegate their powers, duties and functions to another municipal employee.

In most municipalities, the CAO supervises designated officers to ensure that they are appropriately exercising their powers and performing their duties and functions.

EMPLOYEE CODE OF CONDUCT

As a Council, you should expect that all employees of your municipality perform their duties in an objective and fair way.

The Municipal Act requires all municipalities to establish a code of conduct for their employees, which applies to all employees of the municipality, including the CAO, full-time, part-time, contract or casual employees. The municipal employee code of conduct also applies to volunteers, such as volunteer firefighters.

The Municipal Act requires a municipal employee code of conduct to include rules on the types of conduct that are not allowed (at a minimum, conflicts of interest). Council should review the employee code of conduct to make sure it meets the needs of your municipality and to consider whether revisions are required.

It is important that council regularly review its municipal employee Code of Conduct to ensure that it continues to be appropriate. It is recommended that council review the Code of Conduct at least once during their term of office (every four years). However, council may review the Code more frequently, at its discretion.

A sample municipal employee code of conduct is included in the Municipal Act Procedures Manual.



CITIZEN ENGAGEMENT

IN THIS SECTION:

- **Public Hearings**
- **Citizen Access to Information**
- **Citizen Complaints**

PUBLIC HEARINGS

Under The Municipal Act, council must hold a public hearing to obtain public input on matters that have a significant impact to citizens and property owners in the municipality.

Additionally, Council can hold a public hearing or a “town hall” meeting on any other matter it chooses, even where a public hearing is not required by legislation. A public meeting is always a good idea when Council is considering major changes that have a direct impact on citizens. This could include for example a new way of delivering a municipal service or to gauge public interest in a new capital project such as a recreation centre.

Requirements for public hearings recognize the important role that the public plays in the decision-making process. Public hearings enable Council to provide comprehensive information on a proposal to citizens and obtain their input on the proposal before making a final decision. Knowing the views of the public will assist Council to make the best possible decision on behalf of all citizens and ratepayers in the municipality.

Your Role at Public Hearings

All council members are required by The Municipal Act to attend public hearings unless they are excused by council, fall ill, or have declared a conflict of interest in a matter before council. Your attendance at a public hearing will ensure that you understand the public’s view on the matter and are able to make informed decisions.

To be prepared for a public hearing, Council should:

- Ask the CAO to review information about the proposal with you, as well as any other important information so that you are sure of your knowledge.
- Decide who will present the information and answer questions from the public and media.
- Review the public hearing procedures established in your Procedures By-law, so you are comfortable with how the hearing will unfold.

Council members must be respectful of the views of all presenters, even when they disagree with those views. It is very important to listen to the views of your citizens and avoid making negative comments.

Encouraging Citizen Participation

Council can take steps to encourage citizens' attendance and participation at public hearings. Your CAO is responsible for ensuring that citizens are provided with advance notice as required under The Municipal Act, as well as being aware of the issues to be discussed at public hearings.

Strategies for encouraging attendance at public hearings include:

1. **Advertise the public hearing well in advance.** Minimum requirements to advertise a public hearing are set out in legislation, but municipalities can also do additional advertising to increase public awareness and encourage attendance.
2. **Clearly state how the public can participate.** For example, citizens can make a presentation to Council.
3. **Schedule the public hearing in the evening.** More people are likely to attend. Scheduling a hearing during the day, when many people work, will mean that many cannot attend the hearing.

4. **Hold the public hearing at an appropriate venue.** Make sure that the location will accommodate a large group and is easily accessible, such as a community hall. Remember to make sure that the facility is accessible to persons with disabilities so everyone in your community has the opportunity to participate.
5. **Provide detailed information in advance of hearing.** Ensure detailed information is available well in advance so citizens have ample time to review the package before the hearing. At a minimum, include information about the proposal such as the reason, cost, other options that were considered, and any impact on ratepayers.
6. **Make the presentation interesting and understandable.** Use visual aids such as graphs, charts and PowerPoint presentations.

CITIZEN ACCESS TO INFORMATION

Citizens need access to information to understand how their municipalities operate; know about the decisions of council; be aware of the services and programs available and how they are delivered; and to understand how they can get answers to their questions.

Most municipal documents should be available to the public as a matter of course. Many municipalities have established access to information policies that list the documents that citizens can immediately obtain if desired.

The Freedom of Information and Protection of Privacy Act (FIPPA)

Citizens can also request that the municipality provide access to municipal documents by filing a request under The Freedom of Information and Protection of Privacy Act (FIPPA). This is a formal process that may not be necessary if Council has a clear and comprehensive access to information policy. The municipality must respond to the request within 30 days.

Under FIPPA, the municipality is required to provide any citizen access to documents, unless there is a clear reason for keeping them confidential or they contain personal information (e.g., contain information about an ongoing legal matter, personnel records, etc.).

Access Rights and Privacy Protections under The Personal Health Information Act (PHIA)

Municipalities must also protect personal health information that they hold, under PHIA. Municipalities may have personal health information about employees such as information about sick leave or work-related injuries. They may also have information about citizens if they operate an emergency first-responder service or a handi-van service.

Individuals have the right to access their own personal health information that is held by a municipality.

Ombudsman

Citizens have the right to complain to the Ombudsman if the municipality denies access to a municipal document. The Ombudsman, after an investigation, may recommend that the municipality provide the document. Municipalities are expected to comply with the Ombudsman's recommendations.

If a municipality does not act on a recommendation made by the Ombudsman, the Ombudsman may refer the matter to the Information and Privacy Adjudicator for review. The Adjudicator has the power to make various orders, such as requiring a municipality to give a citizen access to all or part of the requested information, requesting that a municipality reconsider its decision, or confirming a municipality's access decision.

Required Access

Citizens have immediate access to certain documents under municipal legislation:

- Assessment rolls
- Annual financial plan (budgets)
- Financial statements
- Reports of the municipal auditor
- Minutes of council and committee meetings (including Local Urban District meeting minutes), held in public
- By-laws and resolutions of council and resolutions of committees of council (including Local Urban District committee resolutions)
- An Election Finance Statement filed by a registered candidate in an election
- A council member's Statement of Assets and Interests (The Municipal Council Conflict of Interest Act)
- A council member's Record of Disclosure during a meeting (The Municipal Council Conflict of Interest Act)
- A report of the Ombudsman received by council, where required (The Ombudsman Act)

Additional Access

Council should establish a comprehensive access to information policy to ensure other municipal documents are readily available to citizens. Documents that should be included under the policy and provided to citizens as a matter of course include:

- Council member indemnity and expense claim forms;
- Invoices for accounts payable;
- Tender documents once awarded;
- Development agreements; and
- Conditional use permits and variation orders.

Any document that is presented at an open council meeting should be available to the public, as a general rule.

Important

- Most municipal documents should be publicly available as a matter of course.
- Have key documents readily available in the municipal office, or by posting them on your municipality's website.
- Personal information, including health information, must be protected under FIPPA and PHIA.

CITIZEN COMPLAINTS

Citizens have the ability to file their complaint with The Ombudsman if they do not believe that the municipality has satisfactorily resolved them. The Ombudsman has authority to investigate complaints relating to administrative actions of the municipality or a municipal employee.

Who is the Ombudsman?

The Ombudsman is an independent body, arm's length from government. The Ombudsman's mandate is to conduct an impartial and objective investigation of complaints about whether Council's policies, such as the municipality's snow clearing or road grading policies, are being fairly and reasonably administered.

The Ombudsman has significant legal authority, and can require the municipality or any person to provide information relating to the matter under investigation and to produce that information if the Ombudsman requests. The Ombudsman can also summon and examine under oath any person who may have relevant information.

If the Ombudsman finds that a person's complaint is justified, the Ombudsman will provide a written report with recommendations to the Mayor/Reeve. The Mayor/Reeve must place the report on the next Council meeting agenda, where Council discusses it in a closed meeting.

The Ombudsman makes recommendations to Council that it deems appropriate to address the complaint that may require the municipality to report back, within a specified timeframe, on how it intends to implement the recommendations.

If the municipality does not take steps that the Ombudsman believes is adequate or reasonable, the Ombudsman may issue a further report to the Mayor/Reeve. The Mayor/Reeve must make the report public at the next regular Council meeting.

The Ombudsman also shares the results of the investigation with the complainant.

For more information on the Ombudsman visit: www.ombudsman.mb.ca.

Courts

All citizens have a fundamental right to make a challenge to the Court of Queen's Bench if they believe that a municipality is acting outside or contrary to its legal authority. This would include not following legislated procedures or spending money without proper authority.

The court process is lengthy and often seen as a last resort when other avenues of dispute resolution have failed. Councils should make every effort to work with citizens to address their concerns. Councils are elected by and accountable to their citizens.

Important

- Most citizen complaints can be resolved through discussion.
- Take time to listen to citizens' concerns.
- Citizens have the right to complain to the Ombudsman about the administration of municipal policies and procedures.
- It is expected that municipalities implement all recommendations made by the Ombudsman.
- All citizens have a right to take a municipality to court.

