

COMMUNITY CONTACT

For and About
Local Government
Development

Manitoba
Aboriginal and
Northern Affairs



Welcome *This November 2001 Community Contact is the first of two issues aimed at promoting excellence by identifying and improving the leadership skills of staff and volunteers in local municipal governments. In this United Nations Year of Volunteers we particularly wish to honour our volunteers who are often the main contributors to local government.*

We want to make a difference by answering your technical questions, pointing you to resources like the Leadership Network

Web site, and digging into the details of Manitoba government programs and the laws that apply to them. In this issue, an article boils the concepts beneath bylaws down to clear and simple. We know knowledge adds quality to local government.

This newsletter is also about communication. We encourage you to share your experiences with others. We encourage you to ask questions, too. We offer this newsletter as a forum to make us better at what we do. Contact us. Our address is on the back page.

November 2001

Volume 1, Issue 4

COMMUNITY CONNECTIONS

Connecting people and communities on the Internet

In 1995, Industry Canada began supporting establishment of community Internet access sites in rural and northern Manitoba through the Community Access Program (CAP). CAP funding assisted community-based organizations to establish 146 Internet access sites in Manitoba.

In March 2000, the Province of Manitoba and the Government of Canada agreed to establish a program to improve Internet access to Manitobans. Community Connections was given the goal to establish 440 Internet access sites throughout Manitoba, including 240 rural and northern sites. The program funds computer equipment, software, a program to employ students to set up the access sites, and 18 months of equipment maintenance and Internet connection costs. Participants will also receive support for implementation and promotion of the site within their communities.

Current participants include the Community Councils of Ilford, Wabowden, Nelson House, Cross Lake, Thicket Portage, Pikwitonei and Seymourville as well as the school in South Indian Lake and a community group in Manigotagan.

According to Kendi Clearwater, administrator for the community of Wabowden, credit for their participation in the program goes to Winston Smith of North Central Development (Community Futures) who helped communities in the region apply.

Well-received by northern communities, the program's resources are fully committed and access sites are now in the process of being established.

Though applications are currently not being accepted, Community Connections is maintaining a list of communities interested in future participation. You may wish to make Community Connections aware of

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Building Independence *in Communities*

The Building Independence Initiative provides income assistance participants the opportunity to develop their work skills and gain experience through employment with Community Councils. Many have made use of the program.

The initiative involves a partnership between three Manitoba government departments. Family Services & Housing refers participants to approved council projects, Aboriginal & Northern Affairs administers project funds to reimburse community councils, and Education, Training & Youth assists participants with their training or employment plan.

Promotional pamphlets were available from the Aboriginal and Northern

Affairs display booth at the Northern Association of Community Councils conference held in Winnipeg in August 2001. The pamphlets were also mailed to all fifty Aboriginal & Northern Affairs communities.

Positive feedback applauds the program for allowing participants chances to become self-sufficient while preserving dignity and encouraging them to remain in the workforce. Communities involved have indicated they are thankful for the opportunities to provide temporary work that benefits both the employee and the community.

Northern residents in receipt of provincial income assistance are eligible for participation in this initiative. For more information, please contact either of the following regional offices:

Aboriginal & Northern Affairs – Community Support Services:

Karen Barker, Director
Northern Region
Thompson, MB
Phone: (204) 677-6737

Jim Perchaluk, Director
East/West region
Dauphin, MB
Phone: (204) 622-2152

Family Services & Housing – Employment & Income Assistance:

Bill Ghostkeeper, Director
Thompson, MB
Phone: (204) 677-6716

Val Bush, Director
Beausejour, MB
Phone: (204) 268-6079

Teresa Vopni, Director
Swan River, MB
Phone: (204) 734-6753

Jerry Kozubal, Director
The Pas, MB
Phone: (204) 627-8234

Brad Carefoot, Director
Dauphin, MB
Phone: (204) 622-2248

Marcy Hrysio, Director
Selkirk, MB
Phone: (204) 785-5186

Contact Information

Community Council members and staff and departmental staff are strongly encouraged to submit comments, suggestions, articles and ideas to the editor.

Ray Irvine
P.O. Box 20, 59 Elizabeth Drive
Thompson, MB R8N 1X4
Ph: (204) 677-6829
Fax: (204) 677-6525
Email: RIrvine@gov.mb.ca

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continuing demand for their program by adding your community's name to the list.

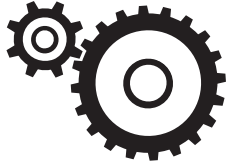
Visit the Community Connections Web site at www.communityconnections.mb.ca.

Questions?

E-mail: communityconnections@gov.mb.ca
Telephone: 945-8527 or 866-896-0938 (toll free).
Fax: 948-3389.

Write to: Community Connections
315-258 Portage Avenue
Winnipeg, Manitoba R3C 0B6

“technically speaking”



www.municipalworld.com

Bylaws: Purpose and Process

The publishers of Municipal World magazine define “bylaw” as follows:

“The origin of the term bylaw is uncertain. In early usage, it designated a law made by the government of a bye (the name given by the Danes to the old English tun or township). Legal authorities cite Lord Coke as determining that “by” or “bye” signifies habitation and that:

... a bylaw may be defined as the law of some particular district (municipality) made by the inhabitants thereof or their authorized representatives, as distinguished from the general law of the province or the dominion.

“For the purposes of modern local government, a bylaw is a law passed by a municipal council, enacted within the scope of its statutory authority. Where authorized, it may prohibit, regulate or control particular activities or circumstances. It may authorize the acquisition or disposition of property, or the entry into an agreement by the municipal corporation. It is intended to bind the municipal corporation, the municipal council, the officers and servants of the municipality, and the public. Public includes both the inhabitants of the municipality and visitors or strangers, whether they have notice of the bylaw or not.”

Requirements

Some provincial legislation requires a council to enact a bylaw. Some legislation requires council to obtain the approval of or the submission to an external authority, prior to giving a bylaw third reading. Other bylaws may require special public hearings or meetings before each reading of the bylaw. Council has to determine which steps apply for each bylaw.

Under *The Northern Affairs Act*, the Minister of Aboriginal and Northern Affairs may delegate bylaw-making authority to community councils by regulation. The regulation identifies specific areas in which council may enact a bylaw. If a bylaw is required in an area not delegated, then the minister must make the bylaw on behalf of the community.

To be found valid and enforceable in the courts, a bylaw must:

- a) have legal authority;
 - Community councils may enact bylaws under the delegated authority of the Minister of Aboriginal and Northern Affairs.
 - Incorporated communities enact bylaws under their own authority.
- b) be enacted by three readings at properly convened council meetings with a quorum of the council present, and authenticated in the manner required under *The Northern Affairs Act*;
- c) be within the power or authority of the community and must not conflict with federal or provincial legislation;
- d) be made in the interest and benefit of the residents of the community;
- e) be reasonable and not discriminatory;
- f) be clear in meaning;
- g) meet all required procedural conditions before enactment;
- h) be proclaimed to the public.

When Bylaws Take Effect

Before a bylaw can take effect, it must be “authenticated.”

- Incorporated communities are required to have the bylaw sealed and signed by the mayor or chairperson who presided at the meeting at which the final reading of the bylaw was done and at least one other council member.
- Community councils operating under the delegated authority of the minister have the bylaw authenticated by the registrar of the Bylaw Registry Office.

The bylaw would normally become effective on the registration date but a bylaw may include a clause specifying that it takes effect on a specified date, some time after the enactment of the bylaw by council.

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OFC

Do you, as Councils, know what your Fire Services are doing?

When Northern Affairs communities first began forming their own fire departments, they passed bylaws to establish and govern fire department operations. For some communities this was almost 20 years ago and, in most cases, it was the last time the bylaws were looked at.

The fire service has changed over the past 20 years. Extinguishing fires is only one of a host of emergency and non-emergency services the fire service in a community is expected to provide. One of the big changes in some communities is that the fire service is now providing medical response. Are such changes reflected in your bylaw?

Ask your councillor responsible for fire service to locate the bylaw on establishing and operating the fire department, then sit down with the

fire chief and go over what is in it.

Does the bylaw reflect what is currently asked of your fire service? If not, change is needed.

Take the time to discuss what council expects of the fire chief and the fire services as a whole, as defined in the bylaw. Remember, if council has not reviewed the bylaw, chances are the fire chief will not know what it expects, either.

Tips for Success:

- Open communication between the fire service and council.
- Review the bylaw and make required changes.
- Set goals that can be met by the fire service and the council.
- Regularly review goals and provide progress updates.

- Rome was not built in a day. A review may take weeks, or perhaps even years, depending on what changes are required.
- Contact Aboriginal and Northern Affairs or the Office of the Fire Commissioner for assistance.
- Use the TEAM concept: “Together Everyone Achieves More.”

Contact Numbers:

Garry Nabess, Aboriginal and Northern Affairs Protective Services Consultant 204-677-6790.

Hessel Dethmers, Aboriginal and Northern Affairs Protective Services Consultant 204-622-2150.

Office of the Fire Commissioner
1-888-253-1488.

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Council's Responsibility

Council has the responsibility to:

- fully consider all aspects of imposing restrictions on the rights of individuals or requiring individuals to take specific actions, for the common good of the community;
- fully consider the protection of individual rights so that discrimination does not occur;
- ensure that the proposed actions of the bylaw are within the authority of the council to carry out;
- consider how the bylaw will be enforced;
- provide an opportunity for public to make representations, to hear all persons wishing to make a comment for or against the bylaw and to consider the effects of the comments given.



LEGAL-EASE

Understanding Regulations and Legislation

If you have a general question about a Manitoba Aboriginal and Northern Affairs-related regulation, submit it to us and we'll consider answering it in this newsletter. Questions of a specific, personal or private nature will be re-directed to appropriate legal counsel or departmental authority.

The question for this issue is:

What is the difference between a council resolution and a council bylaw you ask?

Both actions are council decisions. But knowing when each is required can be confusing.

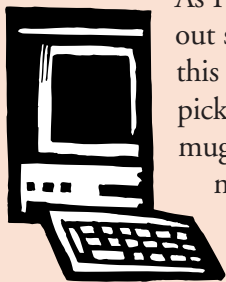
Council makes decisions by passing resolutions. Most of these resolutions approve council taking action on issues, authorizing expenditures or instructing staff to carry out specific tasks. These decisions are administrative in nature and generally don't affect the rights of the community residents.

However, when council wishes to enact some decisions that will affect rights of residents (and others), this is done with a bylaw. The bylaw process allows for residents and others to express their comments and give input to the council. Council then considers and decides on the contents of the bylaw. To enact a bylaw requires three council resolutions, essentially approving the same basic decision.

For example: Council may approve a resolution to pay the dogcatcher \$10 per day for each dog caught and kept in the pound as required by the dog control bylaw. The bylaw requires three council resolutions passed at different meetings as well as one public hearing and posting of the bylaw for the public to be able to comment.

Legislation requires council to enact certain decisions through bylaws. Everything else can be done by resolution. If you think that a bylaw is required for a council decision on a specific matter, be prepared to look in the legislation to confirm what you think. If you think a council resolution is sufficient but you're not sure, search out the legislation.

WEBSITE REVIEW



As I prepared to check out some Web sites for this month's review I picked a pen from the mug on my desk and noticed an advertisement on the pen for The LEADERSHIP

Network, <http://leadership.gc.ca>. Since we are publishing the first of a two-part article this month on municipal leadership, I decided to investigate the site.

This award winning Web site falls under the Treasury Board Secretariat of Canada. It is an innovative and interactive tool to help public servants at all levels learn about public service renewal and leadership.

Under "All About Leadership" readers can find resources on a variety of topics including leadership competencies, practical tools to improve your leadership skills, teamwork and leadership courses and workshops.

Under "Tools of the Trade" you will find information on communica-

tions, leadership development, planning and recruitment to name a few. Under a section on "Career Development" you will find information on "Self-Directed Learning" and links to free on-line self-directed learning opportunities.

While this site was developed for and directed primarily toward federal civil servants, many of the resources and topics found here will be just as relevant at the provincial and municipal level. I plan to spend some time on this one.

THE CAPITAL PROGRAM

The Capital Program is intended to provide funding and support for the construction and maintenance of municipal infrastructure. Funded by Manitoba Aboriginal and Northern Affairs (ANA), the priorities of the program reflect concerns for health and safety of community residents and services that meet legislative and environmental requirements. In order to receive funding for projects, communities need to go through an application process and have projects reviewed by the Capital Approval Board (CAB).

Typically, project planning should begin in September to have applications ready for submission the following June. The application deadline is the first Monday in June each year. Starting to plan early will ensure that communities have time to acquire any estimates or technical assistance needed to complete the application.

ANA can assist in the application process with:

- technical assistance on large-scale projects;
- technical assistance with application preparation;
- needs assessment;
- short/long term planning;
- infrastructure audits that provide an opportunity to identify capital requirements for communities.

Once the applications have been submitted, the regional office along with a regional community representative pre-screens them for completeness. If additional information or clarification is needed on applications, they will be returned to communities for revision and resubmission.

Applications that are complete and justified will then be sent on to the CAB, which meets in September to screen the applications and make recommendations to the Minister of Aboriginal and Northern Affairs. Between the months of November and January, the minister announces the approvals.

Once communities have received approval for their projects, they can begin planning for project delivery in consultation with the department. After approval has been granted, ANA plays a number of roles, which may include:

- monitoring conditions imposed by the CAB on specific project approvals;
- implementing CAB recommendations;
- project planning and delivery.

The CAB is a mix of elected community representatives, a representative of the Northern Association of Community Councils (NACC) and staff from ANA. The ANA minister appoints an independent chairperson.

This past September, the CAB reviewed 55 applications from northern communities. Most of these projects were in Category 1, which relates to water and sewage treatment, and waste disposal. The remaining projects fell into Category 2, which deals with maintenance of existing infrastructure and vehicle replacements, and Category 3, which relates to new infrastructure and equipment.

In addition to recommending projects for the ANA minister's consideration, the CAB also recommends measures to improve the overall process.

ANA wishes to acknowledge and thank the following members of the 2001 Capital Approval Board for their hard work and commitment:

Brenda Boulette, chairperson

Joseph Klyne, president of NACC

Greg Wood – eastern community representative
(Manigotagan)

Tina Munro – western community representative
(Powell)

Frances McIvor – northern community representative
(Wabowden)

Karen Barker – departmental representative
(northern regional director)

Jim Perchaluk – departmental representative
(east-west regional director)

Trevor Ouellette – departmental representative
(manager, engineering services)

MAKING A DIFFERENCE

The Emerging Local Government Leadership Model - Part I

Two hundred participants at five regional Local Government Leadership Institutes held in Summerside, Kingston, Winnipeg, Edmonton and Victoria between March 1999 and April 2000 contributed to a composite profile of characteristics, training needs and success factors for effective government managers. The emerging Local Government Leadership (LGL) model provides a contemporary view of the key requirements for the successful management of civic organizations.

The LGL initiative, sponsored by the Canadian Association of Municipal Administrators (CAMA) and the

Local Government Leadership Program at the Banff Centre in Alberta, offers timely insights for performance management, recruitment and professional development efforts of individuals and local government.

Participants in the Leadership Institutes identified leadership requirements at a personal, team, organizational and community level. The group identified eight important requirements for local government leaders and managers and the model describes the various roles associated with these requirements. Successful leaders are:

Visionary – Leaders see the big picture, create processes to deal with change, create a vision and establish direction (creates a shared vision).

Entrepreneurial – Leaders contribute to organizational success by pursuing opportunities to promote internal co-operation, organizational success and community image (articulates expectations and values).

Facilitators – Leaders maintain an appropriate approach to working with, influencing and understanding others (builds consensus and collaboration).

Mentors – Leaders know themselves and others and assume responsibility for growth, awareness and mastery of self and others (has integrity and trust).

Brokers – Leaders build community capacity by seeking to respond to public interest, residents' needs and opportunities to work with others (understands the public interest and assesses needs).

Directors – Leaders get things done by keeping attention on developing, implementing and evaluating action plans (translates plans into priorities and actions).

Producers – Leaders provide quality service by focusing on the planning, delivery and improvement of quality services (promotes continuous improvement).

Managers – Leaders work with others and encourage a positive work environment for coaching, evaluating and training staff (builds effective teams).

This is a model you can use to assess your strengths and weaknesses. You may find it helpful in becoming a more effective elected representative or employee of a local government council.

Next issue, Part II will look at the top 10 training needs and the top 10 success factors as determined by the LGL participants.

Reprinted and adapted from *Making a Difference: The Emerging Local Government Leadership Model*, *Municipal World*, page 19, January 2001 with permission of the publisher.
Author: Gordon McIntosh.

INTRODUCING

Armand Barbeau



Armand Barbeau

Armand Barbeau started employment with the Manitoba Aboriginal & Northern Affairs, East/West Region on October 1, 2001 as our new Community and Resource Development Consultant. He will be relocating to Dauphin from Cranberry Portage with his wife, Connie and their four daughters, Amanda, Chrissy, Candice and Brook.

Armand is a graduate of the Band and Northern Community Administration program at Keewatin Community College. His experience includes employment with Small Business and Community Development at the Cedar Lake Community Futures Development Corporation. Prior to college, Armand worked in the logging industry for 17 years, the last 8

years of which, he owned and operated his own logging company. Armand's community work involvement includes membership in the Keewatin Community College Aboriginal Advisory Council and in a Youth Justice Committee.

In his new position, Armand will work at the community level on sustainable community economic development and land use planning. He will work closely with communities to bring together existing government development programs and resources like community development corporations and round table initiatives.

Armand can be reached at (204) 622-2145 and he will be visiting communities to introduce himself in the near future.

Robert Barbeau



Robert Barbeau

Robert Barbeau started with Manitoba Aboriginal and Northern Affairs, Thompson Region, on April 17, 2001. He holds the position of municipal development consultant. He relocated from The Pas with his wife, Violet and their 2 sons, Jordan (13) and Tyson (9).

Robert brings with him experience as the financial officer for a First Nations employment and training organization. His responsibilities included accounting for the program and administration dollars. He also ensured that the communities received and reported on their funds in a timely fashion and submitted quarterly reports to the Assembly of First Nations in Winnipeg. He was an active member of the Aboriginal Financial Managers Group and was on the board of directors for The Pas & District Assessment & Resource Service. When not at work, Robert was involved as a coach and volunteer with both

the minor hockey and soccer programs in The Pas.

Previous to 1994, Robert was employed for nine years as a logger for the Moose Lake Logging Company (1992) Ltd. In the spring of 1994 he decided to make a career change that involved furthering his education at Keewatin Community College. In 1995, after one year of upgrading he embarked on the business administration diploma program. Upon graduating from the program, he immediately began working in accounting with Cree Nations Child and Family Care agency. After a year he began working as the financial officer for Keewatin First Nations Employment and Training where he worked until he joined Aboriginal and Northern Affairs this spring.

Robert is convinced that going back to school for a sound education was a choice that has made it much easier for him to open the doors to success.