



WHAT HAVE YOU GOTTEN INTO?

Preparing to Serve on Council for your Rural Municipality

Congratulations! You've been elected to serve on your municipal council! Now what?

That's where this document comes in. SARM's intention behind sharing the information that follows is to provide you with a summary of what you will need to know before you attend your first council meeting. We strongly recommend that you review this document with your RM Administrator as part of your orientation!

What is Unique About a Rural Municipality?

The single most important thing to know about a rural municipality is that it is a level of *government*. As *The Municipalities Act* states, municipalities are:

- "created and empowered by the Province of Saskatchewan;" and
- "subject to provincial laws and to certain limits and restrictions in the provincial interest" (s. 3)

This means that they have unique obligations, responsibilities, and powers that set them apart from private businesses or families.

What is the Purpose of a Rural Municipality?

The purpose of a rural municipality is to make decisions and provide services that benefit the citizens in their jurisdiction. (By "citizens," we mean those who are eligible to vote in a municipal election. For a rural municipality, this includes those who reside there or own land there.)

The Municipalities Act (s. 4) states that municipalities are to:

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



The Saskatchewan Ministry of Government Relations has a great description of how the areas of service and responsibilities of municipalities compare with other levels of government:

Municipal	Provincial	Federal
Water and Sewer	Labour Laws	Immigration and Citizenship
Garbage Collection	Education	Correctional Facilities
Land Use Planning and Development	Provincial Courts	RCMP
Cemeteries	Health Care	Banking, Trade, Commerce
Local Roads and Streets	Environment	Foreign Affairs
Animal Control	Social Services	Supreme Court
Emergency Services	Natural Resources	Military
Property Tax	Provincial Sales Tax	Income Tax
Parks and Recreation	Provincial Parks	National Parks

Differences between a Private Business and a Rural Municipality?

Everyone elected to council has or had a “day job.” Therefore, it is important to note some of the big differences between, say, a household or agricultural operation and a rural municipal council. Many troubles come when the unique nature of a rural municipality is forgotten about. Consider some of the differences:

Private Business	Rural Municipality
Purpose is to generate revenue for the owner and/or shareholders	Purpose is to provide necessary services in the municipality
Owners can make decisions independently	Entire council makes decisions together by resolution at public meetings
Owners are accountable for their own decisions	Council is accountable to its citizens and provincial government
Decisions are private	Decisions are public
Business owners make decisions that advance their own interests	Council decisions advance the interests of the whole municipality

What Legislation do you need to be aware of?

Don't worry! You don't need to be a lawyer to be a good councillor! It is important for you to know that municipalities work in a unique legal environment. The administrator is there to help your council know their obligations, and there are lots of supports available, too (see the end of this document)!

The Municipalities Act and The Municipalities Regulations:

These pieces of legislation are your fundamental rule book. It is law, not just a guide. It is there to "provide the legal structure and framework" by which municipalities "must govern themselves and make decisions that they consider appropriate and in the best interests of their residents" (s. 3). As well, it aims to provide municipalities with "the flexibility to respond to the existing and future needs of their residents in creative and innovative ways." Finally, *The Municipalities Act* is there to "ensure that... municipalities are accountable to the people who elect them and are responsible for encouraging and enabling public participation in the governance process" (s. 3).

Other key acts include:

- *The Tax Enforcement Act*: Sets out the process for a municipality to deal with a property for which there are unpaid taxes owing
- *The Planning and Development Act, 2007*: Provides the framework for land use planning
- *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP)*: Sets out the transparency and privacy obligations of municipalities

- *The Local Government Election Act, 2015*: Sets the limitations and requirements for the election process
- *The Assessment Management Agency Act*: creates the Saskatchewan Assessment Management Agency and empowers the agency to determine methods of property valuation and establish rules for valuation. Explains how property assessments are administered in relation to how councils set mill rates and budgets
- *The Plant Health Act*: Explains the responsibilities for enforcing pest control within municipalities

Rural Municipalities are "People" Too

According to *The Municipalities Act*, rural municipalities are considered a "natural person" (s. 4). This means that they have the same kinds of rights, powers, and privileges as a natural person does under the law. Like a person, rural municipalities can, among other things, enter contracts, purchase or sell property, and sue and be sued.

Who Does What? Staying in your Lane

The Municipalities Act prescribes distinct responsibilities for the members of council and the rural municipality's administrator. Getting these "roles and responsibilities" right is the single most important thing that can be done to ensure an effective local government.

The Municipalities Act states that each municipality is governed by a council and that council is responsible for "exercising the powers and carrying out the duties of the municipality" (s. 79). In fact, this is so serious that a municipality can only act through its council unless legislation states otherwise (s. 5)!



The difference between council and administration can be summed up as follows:

- Elected councils provide direction;
- Administration provides advice and execution

Council directs through resolutions, policies, and bylaws. Administration advises by financial reporting and ensuring legislative compliance; it executes council's decisions by putting them into practice and making sure council's decisions are implemented.

General duties of member of council (s. 92):

- Consider the well-being and interests of the municipality;
- Represent the public in their best interests
- Participate in developing policies, programs, and services
- Participate in meetings (e.g., council, committee, etc.)
- Ensure administrative practices/procedures are in place
- Keep private matters confidential
- Maintain the municipality's financial integrity
- Engage with voters and landowners about decisions of council
- Perform any other duties imposed on councillors by applicable legislation

Remember: Councillors cannot be an employee of a municipality, nor can they act as an employee of a municipality - so it is critical to leave the operations of the municipality to the administrator and staff!

Role of the Reeve

- Chair council meetings
- Ex-officio of all committees unless otherwise provided by council
- Responsible as "Head" of privacy as defined under *LAFOIP*
- Presented list of land in arrears under *The Tax Enforcement Act*
- Must sign bylaws and minutes
- May sign cheques, contracts, and other instruments

Role of Administrator (s. 111):

Every council must establish the position of administrator and that person must be qualified by the Rural Municipal Administrators Association (s. 110). The administrator is the one who accomplishes the duties required by *The Municipalities Act* and other Acts, as well as those things assigned by council.

Their responsibilities include:

- Keep all books, documents, and records of the municipality, including a copy of bylaws
- Ensure that minutes are recorded
- Report to the Minister specified information
- Advise council on legislative responsibilities
- Carry out council's correspondence
- Financial administration: responsible for money - including cash on hand and deposits; disbursing funds; accounting for assets and liabilities and all transactions
- Responsible for the hiring, suspension and dismissal of all employees of the municipality (unless otherwise provided by council)



As professionals, administrators have significant accountability. That accountability is owed to:

- Legislation
- Council
- Profession
- The Public

Role of the Public

The public has an active role in the municipality too. In fact, you could say it is the most important role! Council must remember that they are accountable to the citizens of the municipality. *The Municipalities Act* explicitly speaks to the rights of the public to be informed of and engage in municipal politics. This role includes:

- **Public Observation of the Work of Council:** The public may attend to observe meetings of council and council committees. Everyone has the right to be present at council meetings and council committee meetings that are conducted in public unless the person presiding at the meeting expels a person for improper conduct (s. 119).
- **Access to Municipal Documents:** These include meeting minutes, bylaws, annual audited financial statements, contracts, accounts paid, public disclosure statements, oaths of office, or even consultant reports (s. 117). It is a significant obligation for local governments to make these things accessible.
- **Direct Participation:** The citizens of a rural municipality may petition council for public meetings to be held (s. 129), a referendum to take place (that binds council) (s. 132), or for a special audit (e.g., management audit, financial audit) to be conducted (s. 140.1).

First Meeting Check List

Oath of Office (s. 94)

In order to hold office, councillors must swear an “oath of office.” It is mandatory to sign this before your first meeting. The signed oath of office must be made available for public inspection. The oath of office affirms that the newly elected official:

- is qualified to hold office;
- has not and will not receive any payment or reward or promise of reward for the exercise of any corrupt practice, etc.;
- has read, understands, and will follow the code of ethics, rules of conduct and procedures applicable to their office; and
- will disclose all conflicts of interest.

Code of Ethics Bylaw (s. 93.1)

Council is required to adopt, by bylaw, a code of ethics that applies to all members of council. Adherence to the code of ethics will be included in the oath of office. This code defines expected standards and values of council members toward each other, employees of the municipality, and the public. Following the prescribed model (see *The Municipalities Act Regulations*, Part III, Schedule 1.), the code of ethics bylaw sets out the standards and values by which members of council will fulfill their duties and responsibilities. The standard and values are:

- honesty,
- objectivity (impartial decision-making),
- respect,
- transparency and accountability (e.g., open sessions of council, etc.),
- confidentiality (cannot benefit from information gained as elected official),



- leadership and public interest (not personal benefit), and
- responsibility (disclosure of conflict of interest and following policies/bylaws).

The code of ethics bylaw will also include a process to deal with alleged contraventions – including potential remedial action (e.g., apology, training, etc.).

Public Disclosure Statement

The public disclosure statement is mandatory to complete (s. 142). It should have been completed upon submission of your nomination papers and must be completed again on certain occasions. (Ask your administrator for more information!)

The public disclosure statement will include the council member and their family (spouses and dependents), as well as their employer, financial interests, business interests, and property holdings.

The public disclosure statements are extremely important. It helps the public understand any dealings that may compromise council's ability to make unbiased decisions. They have a direct impact when dealing with conflict of interest.

Conflict of Interest Awareness

As an elected official of your municipality, you are responsible for making decisions in the best interest of your municipality. As such, it is critical that the citizens in your municipality can count on council being free of bias.

The Municipalities Act states that a council member has a conflict of interest if "the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interests or to improperly further another person's private interests" (s. 141.1).

In short, if you are involved in decision-making that will, could, or even may look like you and people close to you will benefit, you may have a conflict of interest. Conflict of interest is not just limited to financial interests. It can include personal or family or employment interests, too.

Having a conflict of interest isn't a problem in and of itself. It is almost inevitable that members of council will from time to time have them. What matters is how they are dealt with. You are obligated to disclose any real or perceived conflicts of interest.

If you are in a conflict of interest, the steps to dealing with it (s. 144) are as follows:

- Declare that you have one before discussing the matter in question (review as part of council meetings after review of agenda)
- Disclose the general nature of the conflict and any details that could be seen to affect your impartiality
- Abstain from voting or formal actions from council on the issue
- Refrain from discussion of the issue both at council and in public
- Leave the room until discussion/voting has taken place (doing this does not affect quorum, s. 146)

If the issue over which you had a conflict of interest is discussed at subsequent meetings, the process above should be repeated at each meeting (s. 144.1). Conflicts of interest must be recorded in the minutes of the council meeting.

You cannot force someone else to declare a conflict of interest, even if you know about one. Rather, other avenues to deal with a suspected conflict of interest may include informal conversation in private (or perhaps at the council table) and reporting a code of ethics violation. In the case of a substantiated allegation of a conflict of interest, council may make an application to the court to have the seat declared vacant. A judge may even require the repayment of financial gain in the instance of a conflict of interest (s. 148).



By disclosing conflicts of interest, you preserve the integrity of council and its decisions. Undisclosed conflicts of interest raise doubts about the integrity of council and the neutrality of its decisions and actions. In the short and long term, they erode the perception of your and your council's integrity.

Tips for your First Council Meeting

Council Meeting Procedures

Every council must have passed a bylaw that establishes the general procedures for conducting business at council meetings (s. 81.1). You should receive a copy and become familiar with your municipality's council procedure bylaw. It should address things like:

- Rules respecting delegations (visitors who can speak at the meeting)
- Meeting through electronic means
- Conduct expected of council members, the public, and delegations
- Deadlines for matters to be added to the agenda

Council Decision-Making

Perhaps the most important point to remember is that municipalities are required to act *through council* – by passing a resolution, bylaw, or a policy (s. 5). It means that individual council members do not have any authority to make decisions or act on behalf of the municipality. For example, if an individual council member makes an expenditure on behalf of council without a resolution of council, then that councillor could be on the hook for that expenditure!

Decisions cannot be made by text or email since this takes away from the public's right to participate. This is why there are council meetings with appropriate public notice. Council cannot act unless a majority of the members of council are present (quorum) (s. 98).

Voting

Passing a motion requires, by default, a majority of votes. However, in some circumstances, either legislation or the council itself may require a percentage of votes greater than a simple majority (e.g., 60% or 65%), etc. (s. 100).

Each councillor has one vote. They cannot abstain, unless they are required to by legislation (e.g., if they have declared a conflict of interest, etc.). If a councillor is not required to abstain from voting and does so anyway, their abstention will be counted as a negative vote against the motion. Abstentions are recorded in the minutes (s. 99).

Tied votes result in a defeat of the resolution or bylaw (s. 102).

If a member of council requests that votes be recorded before the vote is taken, then the specific votes of each of the members of council will be recorded with their name (s. 101). Remember: all council and committee meetings are open to the public to observe the elected at work (s. 119, 120).



Bylaws, Resolutions, Policies

Typically, bylaws are the most formal way a council can act. A bylaw has the force of law within a municipality. Usually, a bylaw is used for things that are regulatory in nature, taxation, zoning, borrowing funds. (For example, closing a road permanently requires a bylaw [s. 13]; regulating vehicle weights on municipal roads does too [s. 15].) Passing a bylaw requires a prescribed number of readings (s. 103). Council is also required to give public notice before considering other matters as prescribed in *The Municipalities Act* (s. 128) or as prescribed in other legislation.

Another way a council can act is through a resolution. A resolution is a motion passed by council that conveys councils' decision, opinion, will or intention. It's quite simple and just needs to be made by a majority vote of council. It's good for less formal actions such as appointments, directing administration, approving contracts, setting meeting dates, approving expenditures already authorized by a bylaw. A temporary road closure just requires a resolution (s. 14),

A policy is an "internal guideline" adopted by council. It provides direction to the administrator, staff or council and is not legislation or typically enforceable against the public. A good example would be a procurement policy or human resources policy, or administrative procedures. A policy states how council or administration will operate. Policy provides consistency, fairness, and timely execution. Policies should also be available to the public.

Meeting Matters

All or parts of a meeting may be closed to the public if the matter to be discussed concerns long range or strategic planning or fits within an applicable provision of *LAFOIP* (s. 120). This is the idea of meeting "in camera." No notes or minutes are taken when council is meeting in camera. Matters discussed during in camera

sessions are confidential. No resolutions can be passed while in camera. Don't abuse in camera sessions—it will hurt confidence in council.

Special Meetings can be requested to be called by the reeve or a majority of councilors for a specific purpose. Typically, public notice is required at least 24 hours in advance of the special meetings. Special meetings can be held with less than 24 hours notice and without public notice, but they require a signature of consent to the meeting by all council members made by signing a waiver of notice (s. 123). Meetings can be held virtually, as long as several conditions are met, including the public's ability to view.

It is important to remember that minutes and other important documents from council meetings must be available to the public.

Annual Budgets

Adopt an annual operating and capital budget: *The Municipalities Act* requires that council shall adopt both an operating and a capital budget for each financial year (s. 155). The operating budget must meet certain criteria set out in the legislation (s. 156). The capital budget may be tied to a five-year plan that shows the estimated capital cost and the proposed sources of financing for each capital work for each year of the plan (s. 157). The budgets are critical since they essentially authorize the expenditure of municipal funds (s. 159).

An important component of budgeting is setting tax rates (and making other decisions related to tax) (s. 284-287). It is highly recommended that all elected officials gain an understanding of how taxation works and how it contributes to budgeting. Your administrator will be able to explain the fundamentals and check out SARM's educational offerings to learn about additional ways to understand this significant action of council.

Where to Go for Help

By serving on your RM council, you are part of a province-wide network of rural municipal governments. With your RM's membership in the Saskatchewan Association of Rural Municipalities (SARM), your council can access the training, programming, professional services, and advocacy of the SARM community. Check out more on the SARM website:

- SARM Legal (<https://sarm.ca/services/legal-services/>)
- SARM Community Planning (<https://sarm.ca/services/community-planning/>)
- SARM Human Resources (<https://sarm.ca/services/hr-services/>)
- SARM Member Purchasing (<https://sarm.ca/services/member-purchasing/>)

In addition to SARM, there are many excellent supports and partners to help municipalities with their important role.

Saskatchewan Ombudsman (<https://ombudsman.sk.ca/>): This is an excellent resource for both dealing with issues of fairness and for learning about how to handle difficult situations as a council.

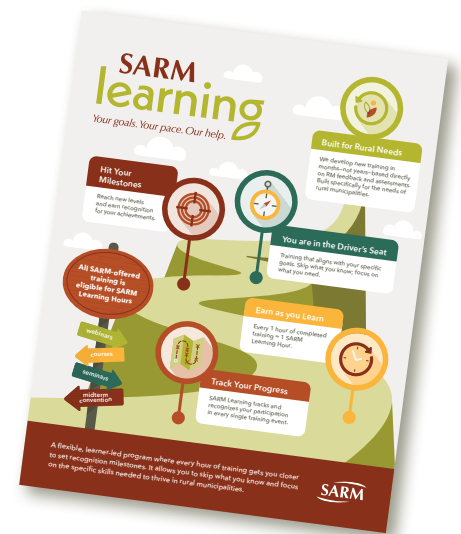
Ministry of Government Relations, Advisory Services (<https://www.saskatchewan.ca/government/government-structure/ministries/government-relations>): This is a critical resource to receive guidance on the requirements of municipalities under the various Acts. They also provide education and guidance on critical aspects of council's responsibilities, including land use planning, building standards, etc.

Saskatchewan Human Rights Commission (<https://saskhrc.ca/>): This organization provides education and fields complaints related to human rights and discrimination.

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Municipal Peer Network (<https://www.saskpeernetwork.org/>): This is a network of experienced peers in municipal leadership that can help to support new and experienced elected officials (and administrators) as they navigate challenging situations.

Saskatchewan Information and Privacy Commissioner (<https://oipc.sk.ca/>): This is your place to turn for advice, guidance, and complaints related to the transparency and privacy responsibilities of local governments.



Next Steps

There is a lot to learn as an elected official of a rural municipality! SARM is here to help you. Some next steps you may take include SARM's "Foundations of Municipal Leadership Seminar." This day-long seminar will review some of the key topics you need to know to serve effectively on council, as well as introduce you to other municipal leaders like yourself.

To find out about more learning opportunities, check out "SARM Learning"—SARM's municipal education program that provides training on all sorts of topics of interest to your municipality. More information on SARM Learning can be found at sarm.ca

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learning
Your goals. Your pace. Our help.