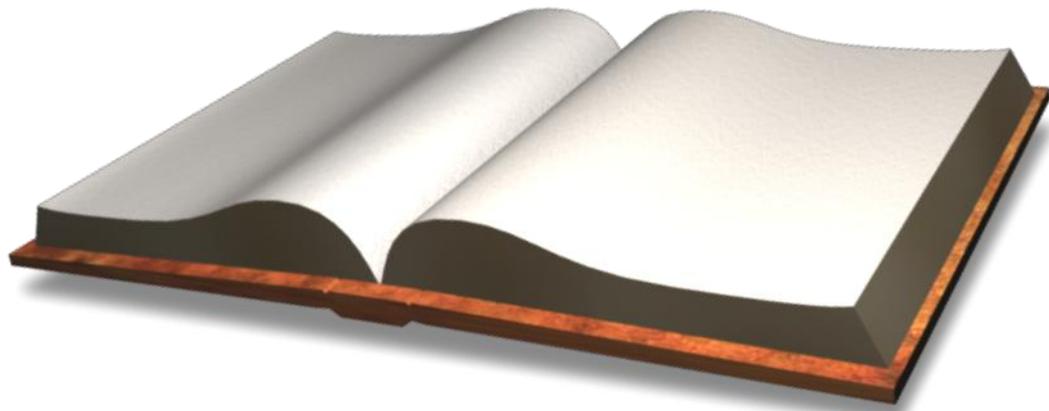


MUNICIPAL ADMINISTRATOR'S HANDBOOK



PMA

Professional
Municipal
Administrators

FORWARD

Administrators are an invaluable resource and one of the most important assets of the municipality. The administrator's main role is to carry out the policy as directed by council.

The purpose of this guide is to assist municipal administrators in Newfoundland and Labrador by providing a quick reference to your roles and responsibilities as a municipal administrator and to the legislation that affects municipalities. This book contains material on financial information such as budget preparation, municipal and economic development planning, information on municipal services, and information on provincial legislation that impacts municipal activities, just to name a few.

This is the first edition of the Municipal Administrator's Handbook. Professional Municipal Administrators (formerly known as the Newfoundland and Labrador Association of Municipal Administrators) began the task of developing an Administrator's Handbook in the Fall of 2002. At that time, a committee met which included representatives from PMA, MTDC, and MA, to begin the handbook. At that time a "fish - bone" skeleton was developed for the book. In 2003, a smaller sub-group of that committee met in order to further develop the chapters. An outline for each chapter was completed. In 2004, the PMA board of directors appointed a subcommittee to complete the handbook and begin writing the chapters for the guide based on the previous research.

On behalf of PMA, the Board of Directors would like to thank all those who have contributed to this important book. This handbook would not have been possible without the support of the Municipal Training and Development Corporation, the Department of Municipal Affairs, and individual members of the Association and Board of Directors of PMA.

We encourage administrators to use this handbook as a resource tool to assist them in providing effective and knowledgeable administration for municipalities. We hope that you find the handbook to be useful and we welcome any comments or suggestions for improvements that you might have.

Former Handbook Committee (In their roles at that time):

Florence Harnett, (Chair), PMA Treasurer, Town Manager of Wabush
Edison Goodyear, PMA Central Director, Town Clerk/Manager of Lumsden
Yvonne Young, PMA Western Director, Town Clerk/Manager of Stephenville Crossing
Lori Evoy, PMA Executive Director

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CHAPTER 1: INTRODUCTION

Purpose of the Handbook

The purpose of this guide is to assist municipal administrators in Newfoundland and Labrador by providing a quick reference to roles and responsibilities of a municipal administrator and to the legislation that affects municipalities. This book contains material on financial information such as budget preparation, municipal and economic development planning, information on municipal services, and information on provincial legislation that impacts municipal activities, just to name a few. The main purpose is to provide a quick reference to the most commonly asked questions concerning the roles and responsibilities of municipal administrators.

This handbook is not intended to be a substitute for the Acts or other legislation pertaining to municipal government. This book should be viewed as a supplement to the *Municipalities Act, 1999*, the *Urban and Rural Planning Act, 2000*, and other legislation affecting municipalities. It is recommended to always consult a specific piece of legislation directly for guidance.

How to Use the Handbook

This handbook is to be used as a reference tool for Municipal Administrators. It should be used in conjunction with all municipal policies, regulations, and government legislation.

Understanding the Political System

i.) Role of Municipal Affairs

The mission of the Department of Municipal Affairs is to be *progressive, adaptable and professional in working with the people of our province to develop strong, self-reliant local governments capable of leadership and serving the best interest of their communities.*¹

The Department provides several programs and services to municipal governments. Some of the services provided by the Department include, but are not limited to the following: municipal support services such as administration of grants and subsidies; development and administration of municipal financing and management strategies; conducting administrative reviews of municipalities; and refinancing of capital funding and monitoring levels of debt.²

¹ 2002-2003 Municipal and Provincial Affairs Annual Report, p.1

² 2002-2003 Municipal and Provincial Affairs Annual Report, p.1

Furthermore, the Department has stewardship over 30 pieces of legislation (refer to chapter 2 of the Handbook- “Legal Authorities”). Questions concerning legislation should be directed to Regional Offices, the Director of Regional Operations, and/or the Policy and Planning Division of the Department.

For more information on Municipal Affairs please visit the website at www.ma.gov.nl.ca/ma/.

ii.) Fundamental Role of a Municipal Council

The fundamental role of a municipal council is to provide local governance. Municipal councils are given their authority under the *Municipalities Act, 1999*.

Ultimately, local governance requires councils to establish policies and provide essential services within their jurisdiction. In order to effectively establish policy and provide services, council must first identify and prioritize the needs of its citizens. Next, council should decide how to best provide the services and how to raise the necessary revenue.

A positive relationship between council and staff is essential in order to provide good governance. Council is responsible for setting policy and enacting regulations. Administrators are responsible for the implementation of policy. A clear understanding of the respective roles and responsibilities of both elected and appointed officials form the base of a well-run municipality.

iii.) Role of Municipalities Newfoundland and Labrador (MNL)

MNL was formed in 1951 as a voluntary association of incorporated municipal governments in Newfoundland and Labrador. Their Statement of Purpose lists several primary roles:

- To provide programs and services of common interest to the members.
- To provide a united approach on issues affecting local governance.
- To advance the ambitions and goals of its member communities by developing a shared vision of the future.
- To effectively serve as a local government spokesperson and to represent its members in matters affecting them or the welfare of their communities.
- To further the establishment of responsible government at the community level.

For more information on MNL please visit their website at www.municipalitiesnl.com.

iv.) Role of Professional Municipal Administrators (PMA)

The mission of PMA is to enhance and promote professional management and leadership excellence in local government through the professional development of members and the exchanging of ideas and information. The Association has a vision that Municipal Administrators are recognized as qualified professionals who facilitate the delivery of accountable local government services.

PMA is a professional association devoted to the education and development of municipal administrators and to ensuring excellence in municipal administration.

For more information on PMA, please call 726-6405 or visit the website at www.pmanl.ca.

v.) Role of Municipal Training and Development Corporation (MTDC)

MTDC exist to strengthen and improve the leadership, administrative, operational, and job related skills of municipal staff and elected officials. This is accomplished by providing training and continuing educational opportunities in areas of importance to municipal councils and their staff.

For more information on MTDC, please call 729-5107 or visit the website at www.mtdc-nl.ca.

Definition of Municipal Administrator

Throughout this manual, the term “administrator” will be used to refer to the following positions:

- city/town clerk
- city/town clerk/manager
- city/town manager
- chief administrative officer (CAO)
- administrator

An administrator is an individual who is employed by a municipality. As defined in the *Municipalities Act, 1999*³, a municipality includes a town or region.

³ Newfoundland and Labrador, Department of Municipal Affairs, *Municipalities Act, 1999* (St. John's: Queens Printers, 1999), Section 2

Core Duties and Responsibilities of the Municipal Administrator

The core duty of a municipal administrator is to carry out the directives and policies as approved by a motion of council. Some of the duties of an administrator may include, but are not limited to: administration of municipal services (i.e. water and sewer, garbage collections, and snow clearing), financial administration, municipal planning, communications, human resource management, and general administration. Each of these areas of involvement will be looked at more closely in individual chapters within this guide.

CHAPTER 2: LEGAL AUTHORITIES

An administrator in the province of Newfoundland and Labrador is required to be familiar with numerous pieces of legislation and have a fundamental understanding of how this legislation pertains to municipal government, with a working knowledge of the most relevant pieces. An administrator should always review all statutes and regulations in order to understand the responsibility of the municipality. This chapter outlines the legislation that is most pertinent to municipal government.

Provincial Government Legislation

- Municipalities Act, 1999

The Municipalities Act, 1999 is the legislation under which all municipalities in the province are incorporated and derive their authority. It is essential that administrators and councillors are completely familiar with its provisions. The exceptions are the province's three cities - the City of St. John's, the City of Mount Pearl, and the City of Corner Brook, which have separate legislation. The Municipalities Act, 1999 is the most important Act with which an administrator should be familiar.

- Urban and Rural Planning Act, 2000

The Urban and Rural Planning Act is the legislation that governs municipal planning and land development. The general purpose of this Act is to provide long-range planning for urban and rural development in this province. The legislation provides for the preparation of regional plans, municipal plans, plans for special areas, and establishment of planning controls.

- Assessment Act

The Assessment Act provides the authority and outlines the requirements that must be followed by *the Municipal Assessment Agency* in carrying out all real property assessments. *The Municipal Assessment Agency* is an independent crown corporation established under the Corporations Act and governed by a twelve person Board of Directors. This legislation is applicable to all real property assessments carried out in the province with the exception of those carried out by the City of St. John's. The Municipal Assessment Act also stipulates a number of statutory responsibilities for municipal councils and more specifically for municipal administrators in the assessment process.

- Municipal Elections Act

The Municipal Elections Act governs municipal elections. This act ensures standardization of the rules and procedures governing municipal elections.

- Public Tender Act

The Public Tender Act defines the requirements for the calling and awarding of public tenders by all government funded bodies including municipalities. All municipalities are required to call public tenders for the expenditure of council funds with respect to goods and services, for the operation of public works, and the leasing of space. Although Municipalities are not required to call public tenders for certain services or for expenditures below the threshold as prescribed by the Act, it may be advisable for transparency and from a monetary perspective, to call tenders in any case.

- Emergency Measures Act

The Emergency Measures Act is the legislation that governs measures taken during an emergency.⁴ “Emergency Measures” means the planning, organization, establishment and operation of defensive, precautionary and safety measures, controls, facilities and services of all kinds, other than those for which the military forces or other agencies of the Government of Canada are primarily responsible.

- Fire Prevention Act

The Fire Prevention Act outlines the legislation that must be followed by municipalities when making regulations regarding the control and management of a municipal fire department, the fighting and prevention of fires, and the inspection of buildings.

- Waste Materials Disposal Act

The Waste Materials Disposal Act is the legislation that governs waste material and disposal sites in the province. A municipality’s regulations respecting the operation of waste disposal sites must comply with this legislation.

⁴ Newfoundland and Labrador, Department of Municipal Affairs, The Emergency Measures Act (St. John’s: Queen’s Printers, 1990), Section 2

- Access to Information and Protection of Privacy Act

The Access to Information and Protection of Privacy Act, while protecting the identification of an individual, is also meant to provide an open, transparent and accountable government. All public bodies, such as municipalities, which collect, use, or disclose personal information, are governed by this Act.

- Highway Traffic Act

The Highway Traffic Act is the legislation that controls the highways and roads throughout the province. Authority for municipalities to enact traffic regulations under the Municipalities Act, 1999, must be in accordance with the provisions of the Highway Traffic Act (see section 414(oo) of the Municipalities Act, 1999).

- Public Health Act

The Public Health Act is the legislation that governs public health in the province. Regulations made under the Municipalities Act, 1999, regarding cemeteries and crematoriums, must comply with the provisions of this Act.

- Liquor Control Act

The Liquor Control Act governs the laws with respect to alcoholic beverages in the province. Regulations made under the Municipalities Act, 1999, regarding the use, operation and location of places where alcoholic beverages are served and sold, must comply with the provisions of this Act.

- Labour Standards Act

The Labour Standards Act is the legislation that requires all employers to comply with the minimum standards that all places of work must meet in relation to salary and other benefits provided to employees. Municipalities are governed by this legislation.

- Taxation of Utilities and Cable Television Companies Act

The Taxation of Utilities and Cable Television Companies Act provides municipalities the authority to establish a maximum level of business tax on utility and cable television companies.

Where can you obtain copies of these Acts and Legislation?

Copies of all Statutes and Regulations are available from the Queen's Printer. The Queen's Printer Bookstore has been the official source of the Newfoundland and Labrador Government legislation and publications since 1986. The Queen's Printer publishes, distributes and sells Newfoundland and Labrador Consolidated Statutes and Regulations. The Office of the Queen's Printer is located in the Confederation Building, East Block, Department of Government Services. As well, a copy of the Municipalities Act can be obtained at the Provincial government's website at www.ma.gov.nl/ma/departement/legislation or www.assembly.nl.ca

OFFICE OF THE QUEEN'S PRINTER
CONFEDERATION BUILDING, EAST BLOCK
DEPARTMENT OF GOVERNMENT SERVICES
P.O. BOX 8700
ST. JOHN'S NL A1B 4J6 CANADA

Municipal Legislation

- ***Regulations***

Municipal Regulations are by-laws made by a motion of council which govern all citizens of a municipality. A regulation or a by-law adopted by a municipal council has the same legal authority as a law passed by the House of Assembly (provided that it is passed within the authority granted to the Municipality under the Municipalities Act, 1999).

It is extremely important that regulations be worded carefully and a procedure be established for the passage of these regulations. Dr. Peter G. Boswell, author of the *Municipal Councillor's Handbook*, outlines the following procedure:

- Notice of Motion
- Motion to Draft Regulation
- Obtain Legal Advice/Pass the Regulation
- Advertise the Regulation
- Send a Copy to the Minister
- File in a Policy Manual
- Enforce the Regulation ⁵

⁵ Municipal Councillor's Handbook, Second Edition, Dr. Peter G. Boswell, Municipal Training and Development Corporation (St. John's: July 2001), p. 81.

It is important to note, that regulations should be enforced. If a regulation cannot be enforced, then it should be rescinded. For instance, if a municipality has animal control regulations and does not have an animal control officer, then that regulation is unable to be enforced and therefore should not exist. In this case, if a citizen is bitten by a dog, then the town may be found liable by the courts, since the animal control regulations were not enforced.

Information regarding regulations can be found in Part XVI, Section 414 of the *Municipalities Act, 1999*.

- ***Permits and Licences***

Council may charge a fee for a permit and/or licence under the *Municipalities Act, 1999*. Some activities that require a permit or licence include:

- ✓ the control and management of water and sewage systems
- ✓ the seizure and impounding of animals
- ✓ dog licences and licence tags
- ✓ the cutting of timber
- ✓ establishment of a building, structure, or excavation of work site
- ✓ construction of fences

For a complete listing, please refer to the *Municipalities Act, 1999*.

- ***Roles and Use of Newfoundland Gazette***

The Newfoundland Gazette is published from The Office of the Queen's Printer. Free issues are available at the website: www.servicenl.gov.nl.ca/printer/gazette. They can be downloaded and viewed but cannot be printed or altered. Publication rates are available upon request.

The Municipalities Act, 1999 and the Urban, Rural and Planning Act, 2000 instruct municipalities to publish specific publications in the Newfoundland Gazette. Section 24 of the Urban and Rural Planning Act, 2000 outlines these publications.

CHAPTER 3: MUNICIPAL SERVICES

Municipalities in Newfoundland and Labrador provide a variety of services to their citizens. It is the role of municipal employees to carry out delivery of these services. This chapter outlines many of the services provided by municipalities. Every municipality does not provide the same services to their community. While all municipalities provide services, they may vary from one municipality to another.

Summary List of Typical Municipal Services

The list provided below is not exclusive. Depending on the size, structure, and the financial resources of the community, other services may be available.

Fire Protection

A council may establish, operate and maintain a fire department in order to offer fire protection inside and outside the municipal boundaries. Fire fighters may be volunteer or paid employees. Fire protection may include: fire fighting, fire prevention, and responding to emergencies. The Department of Municipal Affairs is responsible for the *Office of the Fire Commissioner*. The Office of the Fire Commissioner administers the Fire Prevention Act. If a municipality does not directly provide fire protection services, a regional agreement or *fee-for-service* may be established with neighbouring municipalities.

Emergency Preparedness and Response

All municipalities are required to have in place an Emergency Preparedness Plan. Fire & Emergency Services-NL (FES-NL) has a mandate to develop and maintain effective provincial emergency preparedness, response and recovery measures with a view to mitigating the human suffering and loss of property caused by emergencies and disasters in the province. As part of the programs and services offered through the provincial organization, FES-NL conducts training and education programs for emergency management.

Animal and Pest Control

A council may establish Animal Regulations in an effort to provide animal control and care for a municipality. Regulations may include: information on the restriction of dogs, cats, and other animals; housing and control information; seizing and impounding; and information on registration requirements. A municipality may offer other related services such as euthanasia, impounding, or adopt-a-pet. For further info, visit:

www.assembly.nl.ca/legislation/sr/statutes/a09-1.htm

Streets, Roads and Sidewalks

Municipalities offer transportation infrastructure. This infrastructure may include municipal trails, sidewalks, and roads. Municipalities are responsible for maintaining their infrastructure in the following ways:

- Asphalt maintenance includes repairing streets, potholes, water and sewer related street repairs and parking lot maintenance for municipal facilities.
- Sidewalk maintenance includes new installation or repair of existing concrete sidewalks, curbs and gutters.
- Street marking maintenance includes the annual maintenance and painting of traffic lines, crosswalks, stop bars, and arrows throughout the municipality.
- Street & traffic sign maintenance includes the production, installation and maintenance of temporary and permanent traffic signs in a municipality.
- Grading of roads and shoulders provides for the regular maintenance of gravel roads and unpaved shoulders to allow for a smooth and safe driving surface as well as positive drainage of water from the road surface to the road side ditch network.
- Street cleaning provides a pleasing and healthy environment for residents. Street cleaning reduces the dirt and debris going into storm sewers, thus preventing physical damage and blockages in catch basin systems.

Snow Removal

Snow removal is an essential service that municipalities provide to their citizens. Snow plowing operations involve the removal of snow and ice from streets to provide for the passage of vehicles and citizens in a safe manner. During snow plowing operations, it is the primary function of the operation to keep primary and secondary streets open to the public and provide access to priority streets. At all times, emergency vehicle passage is a high priority.

Water Supply

A council may, subject to the Environment Act and regulations made under that Act, construct, acquire, establish, own, and operate a public water supply system for the distribution of water.

Standards for bacteriological quality of drinking water is provided by the *Provincial Department of Environment and Conservation* as well as the *Guidelines for Canadian Drinking Water Quality prepared by Health Canada*. It is recommended that water be tested on a regular basis (see Department of Environment and Department of Health). Complying with these standards and guidelines reduce the risk of enteric illnesses that may be attributed to public water supplies.

In maintaining a high quality of water for it's citizens, municipalities provide the following services related to water: quality testing (as per government regulations); distribution/ repairs; reservoirs; service repairs; high-low water pressure; and information on using water wisely.

Sewage Collection and Disposal

A council may, subject to the Environment Act and regulations made under the Act, construct, acquire, establish, own, and operate a public sewer system, either independently of or in conjunction with a public water system. Municipalities are responsible for the maintenance of sewer and storm mains, manholes, and catch basins.

Solid Waste Collection and Disposal

A council may provide solid waste collection and disposal services. Many municipalities provide regular garbage collection for their residents. Other services may include: bulk garbage collection, access to landfill sites, and collection of recyclables.

Recreation and Cultural Programs

Municipalities are committed to enhancing the quality of life of their citizens through the provision of a diverse range of recreation and leisure activities. Councils offer a wide range of programs which may include, but are not limited to the following: fitness programs, senior programs, youth programs, and children programs. Municipalities often operate recreation facilities such as swimming pools, arenas, outdoor sports facilities (soccer and softball fields), walking trails,

and skate parks.

Planning and Development

Many municipalities have municipal plans, regulations, and procedures in place regarding land use planning and development within their planning area. Councils are given authority through the Urban and Rural Planning Act. The Department of Municipal Affairs houses a planning division that is responsible for administering the provisions of the Urban and Rural Planning Act. This division is responsible for assisting and advising municipalities and other public authorities in planning for the orderly and economic development of land; collecting information, undertaking research, and publishing and distributing related material; and encouraging planning and efficient development within the province. *(See Chapter five for more details on Municipal Planning).*

Shared Services

Regional cooperation is increasing in importance as communities aim to provide improved services while achieving efficiency and reducing cost. Sometimes, cooperation with neighbouring communities is necessary in order for communities to survive. Whatever the reasons are for sharing services the benefits are the same - a supportive and thriving community. Examples of shared services are:

- Fire Protection
- Animal Control
- Water and Sewer
- Garbage Collection

Know Thine Own Services Well

It is vital that an administrator is familiar with the services provided by the municipality in order to maintain the successful delivery of these services. In order to know your municipality's services:

- take a tour of town facilities
- know the basics of "how things work"
 - know the strengths and limitations of the equipment, facilities and personnel providing the services
- know the delivery mechanisms for all municipal services
- be familiar with writing contract specifications
- be well informed

CHAPTER 4: FINANCIAL ADMINISTRATION

Financial management is one of the most important responsibilities of the municipal administrator.

Accounting

There are two main types of accounting - accrual based and cash based. Most municipalities use accrual based accounting. Accrual based accounting recognizes income when goods or services are rendered. For municipal purposes, the accrued method is preferred because it matches revenue and expenses within a given financial period, thus avoiding surprises.

Accounts Receivable

An administrator is responsible for accounts receivable. This responsibility should have a high priority as collection is important to the cash flow of the municipality. Accounts receivable in a municipality may consist of:

Property Tax - as outlined in part five of the Municipalities Act, 1999. The property tax calculation is the mill rate applied to the assessed value of the real property.⁶ A council, by resolution, may establish a minimum property tax. There may be a different mill rate and minimum property tax rate set between residential and commercial properties.

Property Assessment

Property Assessment is the process of establishing the dollar value of property for property tax purposes. Property tax is based on the principle that the amount of tax paid should depend on the value of the property owned. Property tax remains the major source of local government revenue.

⁶ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John's : Queen Printers 1999), Section 112-148

Since 1997, the Municipal Assessment Agency is a crown-owned corporation with the Minister of Municipal Affairs as its sole shareholder. The Assessment Agency is responsible for providing real property valuations for property tax purposes under the Assessment Act. The Agency is governed by a ten-member Board of Directors. The Board is representative of the Agency's stakeholders with six municipal representatives, two taxpayer representatives, two representatives of the provincial government, and a representative from each of MNL and PMA.

Water and Sewage Tax - as outlined in section 130 of the Municipality Act, 1999. Water and Sewage tax is collected on both residential and commercial property. The tax may be calculated based on the assessed value of the property, metered or fixed rate. All property owners who have buildings and land, which are capable of being serviced by water or sewage systems, shall pay the tax whether or not they actually use the service.⁷ (As per section 130 of the Municipalities Act, 1999).

Poll Tax - as outlined in section 126 of the Municipalities Act, 1999. Council may impose an annual tax to be known as the poll tax. There are a number of reasons why a person may qualify for a poll tax exemption. The reasons are outlined in section 127 of the Municipalities Act, 1999.

Business Tax - as outlined in section 120 of the Municipalities Act, 1999. Council shall impose a business tax on any persons or companies carrying on business within a municipality. A council by resolution shall establish the rate for business tax whether it is based on the assessed value of the property or the gross revenue method. The assessed value method shall be applied where there is a fixed place of business and the town has imposed a property tax. Where a property tax has not been imposed or there is no fixed place of business, the business tax rate is set as a percentage of the gross revenue. A council may impose different tax rates on different business types and may set a minimum business tax for each type of business.⁸

Local Improvement Assessments - as outlined in section 149 of the Municipalities Act, 1999. Councils may take initiatives to improve municipal infrastructure through the installation of water and sewer and

⁷Municipal Councillor Handbook, Second Edition, Dr. Peter Boswell, Municipal Training and Development Corporation (St. John's: July 2001) p. 69.

⁸Municipal Councillor Handbook, Second Edition, Dr. Peter Boswell, Municipal Training and Development Corporation (St. John's: July 2001) p. 70.

the upgrade of streets. A portion of the cost of this work may be assessed on real property that is directly affected by the improvements.

Service Levy - as outlined in section 149 (2) of the Municipalities Act, 1999. A municipality may charge a service levy where an action of council designed to develop a municipal service enhances property value and makes real property capable of being developed.

Direct Sellers Tax - as per section 129 of the Municipalities Act, 1999, a council may impose a fixed tax on direct sellers. This section also requires direct sellers to acquire a permit from council.

The Direct Seller's Act defines a direct seller as a person who:

- goes from house to house, or
- contacts occupants of houses by telephone or,
- through advertising, carried out for the delivery of goods or services within the municipality.

Licenses and Permits - as outlined in section 414(2)(tt) of the Municipalities Act, 1999, council has the authority to make regulations and set the fees for licenses and permits.

Grants in Lieu of Taxes - Property belonging to Federal and Provincial government is exempt from property tax, as per Section 118 of the Municipalities Act, 1999. However, on federal properties only, a grant in lieu of taxes may be paid to municipalities which have imposed property tax.

Tax Agreements - as per section 111 (2) of the Municipalities Act, 1999. Municipalities may enter into a tax agreement with major employers within the community.

Miscellaneous - There are several other sources of revenue a municipality may have including, but not limited to, the following: recreation income, interest income, sale of town buildings, land equipment, and equipment rentals, where that service is not otherwise available in the municipality. Other income may include shared services such as fire protection, animal control and waste disposal.

Section 111 of the Municipalities Act, 1999 gives council the authority to grant exemptions, remissions, or deferment of taxes.

Accounts Payable

An administrator is responsible for accounts payable. The administrator is accountable for processing invoices from suppliers and issuing payable cheques upon approval of council by motion. It is the responsibility of the administrator to ensure the accuracy of the invoices and proper distribution to the general ledger. Some towns elect to use a purchase order system to maintain proper procedures and accountability. Please note, section 18 of the Municipalities Act, 1999, authorizes the Town Manager to make expenditures, to a maximum amount which Council sets, without prior council approval.

Payroll

An administrator is responsible for the town's payroll. The administrator shall oversee and ensure the accuracy of hours worked, applicable payroll deductions and remittances. Proper records must be maintained for annual leave, bereavement leave, sick leave etc. Some Municipalities issue payroll cheques while others may provide payroll through direct deposit. Administrators should be aware that all municipalities are subject to payroll audits by outside agencies such as Revenue Canada and the Workplace Health and Safety Compensation Commission.

Other Accounting Duties

An administrator is responsible for a number of other accounting duties. These may include, but are not limited to:

- bank deposits
- bank reconciliations
- investment management
- general ledger maintenance
- preparing financial reports required by council

Getting the Training You Need.

The following list of schools and organizations offer accounting – manual and computerized training. Please note, there may be other schools in your area.

- College of the North Atlantic
- Academy Canada
- Keyin Technical College
- Whey Group of Companies

Cash Handling Practices

MTDC has developed “*A Best Practices Guide*” for cash handling entitled “*Cash Handling Essentials for Municipal Governments*.” This guide gives detailed information concerning expenditures, revenues, banking, and preparing financial reports. Administrators are encouraged to obtain a copy from MTDC.

Taxation Issues

Tax collection is of a vital importance to a municipality. Therefore developing an efficient tax collection method will reduce the number of delinquent tax accounts.

Tax Collection Methods

The Municipalities Act, 1999 gives council the authority for the following tax collection methods:

- *Disconnection of Service*

Section 132 of the Municipalities Act, 1999 gives council the authority to disconnect water and/or sewage services for tax arrears (or any other nonpayment of a fee or charge made by council).

- *Seizure of Rentals*

Section 148 of the Municipalities Act, 1999 gives council the power to seize rent payable by tenants to satisfy tax arrears on property being rented by that tenant.

- *Property Sales*

Section 141 of the Municipalities Act, 1999 gives council the authority to sell a property that is not owner occupied to satisfy tax arrears. It is advisable to seek legal advice before using this tax collection method.

- *Court Action*

Property and business owners can be charged under the Municipalities Act, 1999 for the non-payment of taxes. A problem with this method is that the delinquent tax payer is ordered to pay by the courts without follow up by the judicial system. However, “the fine amount” is enforced through the courts. Therefore, a possible remedy is to charge a sufficient amount based on the fine per day to cover the

outstanding taxes. Refer to section 419 of the Municipalities Act, 1999.

Property and business owners can be charged through the civil system. Refer to section 133 of the Municipalities Act, 1999. The filing fees for this method through the court is quite expensive and tends to be a long drawn out process. However, it does allow for attachment of wages. If you know a tax payer's employment status, this could prove to be a very useful collection tool. As well, the court cost can be charged to the delinquent tax payer.

- *Lien for Taxes*

Section 134 of the Municipalities Act, 1999 gives council the authority to place a lien on real property for outstanding taxes.

- *Use of a Collection Agency*

There are collection agencies available that a municipality may avail of in order to collect their outstanding taxes. Contact MNL for collection agency information.

Administrators should be familiar with the Municipalities Act, 1999 when using collection methods, specifically with respect to time frames and special notices required.

Budget Preparation

The administrator is responsible for preparing the annual budget. Section 77 of the Municipalities Act, 1999 states that a balanced budget, including a list of tax rates, has to be submitted to the provincial government by December 31st of each year.

Please note, an administrator is responsible for making budget recommendations to council on expenditure and revenue.

Administrators are encouraged to secure a copy of "*The Municipal Government Budget Book*" from the Department of Municipal Affairs.

The Audit Process

When to Appoint

As per section 87 of the Municipalities Act, 1999, council shall appoint an auditor before August 1st in the preceding year in which the audit is required.

Who Can Do Municipal Audits

Section 87 (2) of the Municipalities Act, 1999 outlines the persons authorized to conduct a municipal audit. As per section 92 of the Municipalities Act, 1999 an audit has to be completed and presented to council before June 1st. As well, a copy has to be submitted to the Minister of Municipal Affairs, through the regional office, within 30 days upon completion.

CHAPTER 5: MUNICIPAL PLANNING

Definition and Purpose

A municipal plan is a statement of policies and guidelines that direct and guide the future and current growth and development of a community in a manner to provide for the needs of the residents.

The objective of a plan is to achieve the common well being of the community and to preserve the financial material resources (such as mineral deposits) within the municipal planning area.

A municipal plan would be based on a variety of studies, such as, economics, population, and public and social needs.

A municipal plan should ensure that our communities are healthy and safe places to live, work or play. Development should not be permitted which cannot be economically provided with basic services, and should not be allowed to intrude on its neighbours or the public at large by virtue of its design, associated noise, smell, or vibration.

“The Urban and Rural Planning Act, 2000” is the provincial legislation which enables the municipality to establish a municipal plan.

Council’s Role

Council’s role in planning is to anticipate and direct growth and change so that the needed services can be provided in the most effective and efficient manner. Once the plan is approved, council’s role, through its staff, is to ensure the plan is properly implemented.

Municipal planners, hired by the town, will organize the surveys and record the data collected, present the information to council and explain and discuss implications. Municipal planners will also assist council in developing their objectives and policies.

Administrator’s Role

The administrator is the “advisor, implementer, and monitor” and provides continuity between different administrations. He/she is the prime contact for the public, all levels of government, and agencies.

Initially, in the planning process, the administrator is the liaison with the planner, provider of local data, and the interpreter of local desires.

A thorough knowledge of the plan and regulations is required.

Development problems are sometimes complex; therefore, the administrator must be able to view them in the context of the overall plan.

Administrators should be familiar with the contents of *Council's Development Regulations*, which is the working document of council as opposed to *the Plan* which is the broad policy direction on which the development regulations are based. Development regulations are used on a regular basis. A plan is reviewed on a periodic basis to ensure it continues to meet council's goals and objectives.

Steps In Preparing a Municipal Plan

The following are the general steps in developing a municipal plan:

- Acquire a copy of "The Urban and Rural Planning Act, 2000" from the Queen's Printer.
- Motion of council is required prior to begin preparation of the plan.
- All plans must be certified by a full member of the Canadian Institute of Planners.
- It is council's responsibility to assess the town's financial capabilities over the life of the plan and determine the capital costs required when designating land use areas within the Municipal Planning Boundary.
- The municipal plan is prepared by a qualified planner after studying the present composition and the future potential of a municipality, as well as its financial capabilities to carry out the proposed development.
- The "Urban and Rural Planning Act, 2000" sets out the requirements for public consultation, advertising, and the registration process of planning documents which are to be submitted for approval to the planning division of the Department of Municipal Affairs.

Long Term Planning / Capital Works

When preparing a municipal plan, once the surveys and studies are completed the planner will make recommendations whether the areas in the zones are large enough to accommodate future growth, or if the proposed development is not attainable because of budget restrictions, as outlined in the capital budget process.

If, over the life of the plan, zones are required to be enlarged, then council must prepare, through its capital works program and secure the funds for additional infrastructure. As these finances are likely to require borrowing and amortization over many years, a community must determine the level of debt it can support.

Development Control

Development regulations are the means by which council can realize its policies and ensure compliance with the objectives and goals of the municipal plan.

The purpose of zoning regulations is to group like or compatible uses of land and to apply conditions or standards for their development.

All development applications must be considered by council and a permit issued if the proposal is in compliance with the town's development regulations.

Please note, one condition that should be included on all permits is to comply with the current edition of the National Building Code and the National Fire Code. It is the responsibility of the property owner to comply. There must be a motion of council adopting the standards and a separate motion to place the compliance on the developer.

Plan Review and Changes to the Plan and/or Development Regulations

The "Urban and Rural Planning Act, 2000", sets out the requirements and the steps involved in reviewing a plan and/or making changes to development regulations.

A plan must be reviewed every five years. It is possible that events anticipated have not materialized or perhaps other events have transpired which change the future outlook of the community.

The steps involved are similar to the steps required in preparing the first municipal plan with the exception of the requirement to establish a planning area.

CHAPTER 6: COMMUNICATIONS

Communicating is very complex, variable, and at times, uncertain. It consists of the ability to think, speak, listen, question, read and write with clarity of purpose and with efficient and effective skill. Working in the municipal world demands well developed interpersonal communication skills and abilities.

IMPROVING YOUR LISTENING SKILLS

An active listener is open, respectful and objective. Active listening compliments the assertive type of communication.

Active listening sounds easy, but there are many barriers which can make simple listening, challenging:

- personal biases or prejudices,
- dislike or early judgement of the subject or speaker,
- selective listening (filtration of unwanted information),
- interrupting the speaker (listeners listen three to five times faster than any speaker talks, so be patient),
- distractions from the physical environment or physical discomfort, and
- priorities and other pressing matters.

Active listening requires commitment, concentration and energetic interaction with the speaker. The following techniques may assist in improving active listening skills:

- Be prepared to listen.**
If you have other priorities and time constraints, don't pretend to listen. Reschedule to a better time or accept the need to listen.
- Listen for total meaning.**
Listen for the whole message by paying attention to both the verbal and non-verbal messages. Listen for what is not said.
- Listen in an understanding and supportive way.**
Use your whole body, eye contact and facial expression to convey true interest. Encouragement can be communicated by a simple nod of the head, a smile, or, "I see".
- Respect the speaker.**
Recognize personal biases and prejudices and remove them. Show respect for the speaker by avoiding interruptions and distractions.
- **Clarify, ask questions or paraphrase.**
Ask questions to ensure understanding (e.g., "do you mean...?").

Paraphrasing, i.e. playing back the message in one's own words.
This ensures understanding and encourages the speaker to continue.

GIVING AND RECEIVING FEEDBACK

Feedback can help you:

- better understand another person.
- be understood.

Tips for Giving Feedback

Effective verbal feedback is meant for constructive personal improvement and should focus on:

- specific (here and now) information rather than general (there and then) commentary.
- observations (what, how, when) rather than inferences (why).
- constructive change (positive) rather than destructive commentary (negative).
- sharing of ideas and information in order to generate alternatives, rather than giving advice which suggests specific solutions.

Tips for Receiving Feedback

Knowing how to receive feedback is also an important communication and leadership skill. If you remember to follow these rules, you will learn a lot about yourself.

- Be open. Avoid selective listening.
- Don't explain, defend, deny or argue - listen silently to try to understand clearly what the other person is saying.
- Ask questions for clarification to ensure that you are getting the right message.
- Allow time to absorb the new information . . . there is seldom a time to appropriately respond or react immediately.

Although these rules are difficult to follow, they can provide significant rewards! The idea is that you don't have to agree with all the feedback you get, but be receptive to getting feedback and then be certain you understand it.

CONFLICT

Conflict Resolution

Most people do not understand what causes conflict. The sensitivities and resentments it triggers produce tension. In order to understand conflict, it is helpful to look at the potential sources.

- **Assumptions and Perceptions**
Different people may view the same situation and see it differently because their past experiences and personal beliefs and values differ.
- **Individual Values, Needs and Goals**
The values, needs and goals of an individual may be in conflict with another's values, needs and goals.
- **Emotions**
Powerful emotions such as fear, anger, anxiety and frustration often block communication or distort perceptions to the point of conflicting with others.
- **Competition**
Struggles for time, money, attention, performance and personal or group success can be healthy or destructive.
- **Lack of Information or Clarity**
Individuals perceive that they do not have all the information or do not understand the information. Alternatively, individuals may possess the information but fail to understand it. People understand differently and this may also result in conflict.
- **Individual Communication and Influence Style**
Insensitive or inappropriate interaction with others may create resistance. An aggressive approach which belittles others usually causes conflict. An over-accommodating passive nature may also cause frustrations which lead to conflict.

Effective negotiation is based on concern for others, mutual respect, and a focus on goals and objectives.

PUBLIC SPEAKING

Tips for speaking publically:

- be prepared - know the topic, make an outline, practice, etc.
- know your limitations.

- provide explanation on policy but do not debate policy issues with the public. Policy issues should be debated only by the whole of council.
- seek training where available (such as Toast Masters, Dale Carnegie, or any other institutional education).

Opportunities to speak publically about municipal council and its operations (subject to council approval) may include: education week, presentation to local businesses, presentations to service clubs and other volunteer groups, and municipal awareness week.

Remember, it is the responsibility of the elected officials to be the official spokes persons, but these duties may be delegated to the municipal administrator.

CUSTOMER SERVICE

Providing quality customer service is a must for administrators. An administrator should be polite, courteous, and friendly. A staff person should never be confrontational with a customer and ensure that complaints and inquiries are dealt with efficiently.

It is important that citizens are treated with courtesy and respect and their business is taken care of in a timely matter. All messages or complaints taken at the town hall should be responded to by the town administrator or most appropriate person and/or department. Please note, if a complaint or request is received which cannot be answered immediately, then the individual should be advised of the appropriate course of action as per council policy and or protocol. (i.e. The complaint or request put in writing).

A good impression should be given to all visitors. For instance, steps should be taken to ensure that employees who deal with the public, should always present a positive public image and practice professionalism.

- Conduct your behavior in a professional manner that will give your citizens a good impression of the municipality.
- Use proper telephone etiquette - a person should always identify themselves on the telephone.
- If you are unsure of the answer, be courteous to the customer and let them know you will find the answer (check into the answer and get back to the customer).
- Set up a message system with copies being distributed to appropriate persons and/ or Departments.

PUBLIC RELATIONS

Public relations gives council the opportunity to be transparent.

Here are some useful public relation tools

- Develop and distribute a municipal/councillor newsletter (sample in Appendix G).

The newsletter can be monthly, quarterly, or bi-annually. If the council brings in or changes policy or direction, make the public aware through a newsletter. It could be a friendly “What’s Happening Newsletter.”

- Keep the public familiar with what is happening in the town and changes to municipal policies.
- Community television channel can be used as a tool to provide information to the public.
- Flyers inform the general public and provide awareness of council policies and direction.

PUBLIC MEETINGS (other than council meetings)

All regular or special council meetings with the exception of those designated as privileged (section 213 of the Municipalities Act, 1999)⁹ are open to the public.

In addition to regular council meetings, council may wish to hold meetings for the public to get citizens input and to keep individuals informed.

Some relevant reasons for a public meeting may be:

- changes to the municipal plan or building regulations
- changes to boundary
- sharing of town services such as (waste management, water and sewer etc.)
- amalgamation of towns
- any reason/topic a council deems necessary for public input

⁹ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John’s : Queen Printers 1999), Section 213

Organizing a public meeting:

- Notify the public through all media resources available (newspaper, television, and radio).
- Time public meetings appropriately. (i.e. It is not advisable to hold a public meeting during a Holiday).
- Provide details of the meeting - exactly why the meeting is being called and a brief overview - what, when and how.
- Develop a format or process of a public meeting.
- Establish or appoint a chairperson for the meetings. (Generally the mayor - It may not always be the mayor, depending on the nature of the meeting it may be a consultant).
- When preparing a materials list, you may need:
 - ~ microphone
 - ~ chairs
 - ~ organizational aspects
 - ~ overheads, etc
 - ~ know the numbers attending
 - ~ refreshments, if necessary
 - ~ book proper venue
- Provide informational handouts to public.

DEALING WITH THE MEDIA

As per section 21 of the Municipalities Act, 1999, the mayor is the official spokes person for council, but these duties may be delegated to another councillor or municipal administrator. Generally, the municipal administrator is there to provide technical advice.

Occasionally, a municipal administrator will be placed in a position of dealing with the media on a matter relating to some misfortune, emergency, or crisis that is facing council.

If it is impossible for you to avoid speaking to the press, ensure that you stick strictly to the facts. Don't try to cover up or deny the facts about the situation, but don't say too much either. In situations like this, it is better to say too little than too much.

Tips for dealing with the media:

- Never say anything to a media person 'off the record' - everything is always on the record.
- Build a good relationship with local media (invite media to attend council meetings). You might find it useful to provide members of the media with copies of your council meeting's agendas and suggest to council to set aside a few minutes at the beginning or end of the meeting to answer questions.
- Be positive when dealing with the media.
- Provide reporters with accurate information and treat them all alike.
- Make yourself regularly available to reporters, however, always clarify who is the official spokes person.
- Be honest with reporters and provide accurate information.
- Don't try to hide or withhold information which is defined as public in the Municipalities Act, 1999 (Section 215).

NETWORKING

Networking is connecting through meetings, conferences, and electronic communications (telephone, email etc.) in order to exchange ideas, receive and/or to offer advice.

Key groups and opportunities to network with are:

- PMA
- MNL
- MNL & PMA regional meetings and conventions
- MTDC/PMA/MNL/MA educational opportunities

If you are a first-time administrator, you should contact your PMA Regional Director and the following groups and associations:

- PMA office
- MNL Office
- Regional office of Municipal Affairs
- Become a member of PMA
- Attend the PMA regional meetings and the annual convention.

INFORMATION TECHNOLOGY

Information technology is an effective and important communication tool. An administrator should use a computer to access information, as a research tool, and as a search agent.

Email can be an effective way of communicating. Remember, always provide a hard

copy for your records if needed. For instance, keep a copy on file of an email that pertains to a particular file.

A municipality may wish to develop their own town web site.

Chapter ten provides a list of valuable web sites. Outlined below are some key web sites that may be effective tools for an administrator:

Municipal Assessment Agency (Accessing the Assessment Roll, electronically)
www.maa.ca

Provincial Government
www.gov.nl.ca

Department of Municipal Affairs (accessing municipal legislation)
www.gov.nl.ca/ma/

Remember, avail of all possible computer training when available in your area.

CHAPTER 7: GENERAL ADMINISTRATION

A town should have a policy manual that outlines the specifics of general information. The town's policy manual should include the information outlined below. If your municipality does not have a policy manual, this information would be a good guide in organizing your general administration duties.

Office Administration General

Organizing the Office (organizational charts on physical office space and layout)

Organize your work area in a manner that is efficient, public friendly, and provides safety to staff and customers. Ensure that everything in your office is placed in convenient locations. For example, your printer should be near your work station and your chair should face the greeting area. When buying furniture, ensure it is both efficient and ergonomic.

Communicating with Public (See Chapter 6 on Customer Service)

One of the town clerk's responsibilities is the safe keeping of all official council documents. Mail is an official record; therefore, the mail should only be collected by the town clerk (or person designated by the town clerk) and distributed where required. The administrator should collect, open, stamp and distribute a copy to the appropriate person. For more information refer to Section 59-63 of the Municipalities Act, 1999.

Handling Correspondence

Care must be taken to ensure that all correspondence is handled in an efficient manner. There are many systems for handling correspondence. One suggestion may be to have two correspondence files. One file, called an **action file**, is for correspondence that involves a decision or an issue relevant to the town. Once the action from the correspondence is completed, then it should be filed accordingly. A second file, called a **reading file**, is used for all other correspondence (for instance, magazines or items for information purposes only).

Information Technology

- Making IT Work for You
 - Make sure your municipality has updated equipment and software.
 - Make sure you use appropriate and adequate software and hardware that suits your office needs.
- Training
 - Always keep up to date and current on training.
 - Always avail of training, especially if it is FREE.

- Remember to avail of MTDC Matched Training Financial Assistance whenever possible.

Policy and Procedures

Policy is the collective decisions which council makes on a particular subject area over a period of time. When council makes a decision on any matter it is setting or making policy. Implementation of the council policy is the role of the administrator. In short, council sets the policy and staff carries out the directions of that policy.

- Policy Writing - Samples of policies are available from the NLAMA office.
- Policy Storage - Written policies should be indexed and placed in a binder format with the original in a safe and copies sent to councillors and every applicable department.
- Updating Policies - Policies should be updated on a regular basis to ensure accuracy and consistency. If a policy is updated, keep the original for a reference. If a policy is cancelled - stamp or mark the policy cancelled.
- Logging motions of council - once policies are approved and adopted by council it should be cross referenced with the council meeting and/or motion number where it was adopted. Another suggestion may be to keep a binder just for motions. This binder will contain only the motions (without the minutes) that council has made.

The following is a list of manuals which would be suited to most municipalities:

- policy and procedure manual
- personnel manual
- filing manual
- correspondence manual
- accounting manual

Records Management

Proper records management is important for a municipality to run efficiently. As well, proper records management assists and satisfies the requirements under the Access to Information and Protection of Privacy Act.

(Please note, it is a good idea to have a copy of all relevant legislation in your office. One idea is to place all relevant legislation, such as the Access to Information and Protection of Privacy Act, in a binder format).

- It is important to have an accurate municipal filing system.
- Types of records include; paper, electronic (computer files), computer disks, audio and video tape, and CD ROMs.
- Filing Basics
 - Use appropriate storage equipment.
 - Use quality storage materials.
 - Use binders for policies, procedures, motions, and regulations.
- Always archive important municipal records (e.g. minutes, incorporation and historical documents).
- Disposition of records;
 - Establish a retention schedule as per legislation and council approval.
 - Establish proper procedures for destruction of records, as per council approval.

Council Meetings

Section 24 of the Municipalities Act, 1999 states that every town council must meet at least once a month. This is the minimum requirement, however, additional regular or special meetings may be held at any time. The town clerk is responsible for calling all council meetings at the request of either the mayor or any two members of council.¹⁰

Types of Council Meetings:

A **regular meeting** is held on a regular schedule as approved by council to deal with general business¹¹. Refer to Section 24 of the Municipalities Act, 1999 for more details.

A **special meeting** is normally called for a specific purpose and deals with one item of business, usually a pressing matter that cannot wait until the next scheduled meeting.¹²

¹⁰ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipal Act 1999 (St. John's: Queen Printers 1999), Section 24.

¹¹ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John's : Queen Printers 1999), Section 213.

¹² Municipal Councillor Handbook, Second Edition, Dr. Peter Boswell, Municipal Training and Development Corporation (St. John's: July 2001) p. 57.

A **privileged meeting** is a meeting not open to the public and may be scheduled when necessary. In addition, a portion of a regular council meeting can be declared privileged.¹³ Refer to Section 213 of the Municipalities Act, 1999. It is important to note that any decision made at a privileged meeting is not considered valid until motioned and ratified at a regular council meeting.

Outlined below are the roles of each individual member (manager, clerk) at a council meeting:

Manager: A manager attends meetings of council and advises or makes recommendations to council. Council is not bound to follow the advice or recommendations of the manager. A manager is entitled to take part in the discussion of all matters coming before a meeting of council or its committees, but he or she has no vote.¹⁴

Clerk: A clerk is a secretary to council and is responsible for recording the proceedings and decisions of council and for the safekeeping of all documents of council. The clerk shall attend all meetings of council and may, at the discretion of council, attend meetings of its committees. The clerk is entitled to speak at council and committee meetings, but has no vote.¹⁵

Administrator's Council Meeting Checklist:

Things to be done BEFORE the meeting;

- prepare agenda
- ready invoices for payment
- distribute council packages for the meeting

Things to be done DURING the meeting;

- take minutes
- provide advice

¹³ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John's : Queen Printers 1999), Section 213.

¹⁴ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John's : Queen Printers 1999), Section 55-56.

¹⁵ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John's : Queen Printers 1999), Section 61-62.

Things to be done AFTER the meeting;

- type and distribute minutes
- prepare correspondence

Rules of Procedure

The proper conduct of council meetings is essential for the efficient flow of business and the accurate recording of events. To that end, a council must adopt “rules of procedure.” Rules of procedure are mandatory under section 24 (4) of the Municipalities Act, 1999.¹⁶

The following is a sample index of the main points that should be covered. These rules may be adapted or modified to suit the needs of an individual council. The important thing is to keep the formal rules of procedure as simple as possible.

Main points (rules of procedure):

- a set time and place for regular meetings,
- provisions for calling special meetings,
- procedure for giving adequate notice of meetings, and
- regular agenda format.

¹⁶ Newfoundland and Labrador, Department of Municipal and Provincial Affairs, Municipalities Act 1999 (St. John’s : Queen Printers 1999), Section 24 (4).

Appendix A of the Municipal Councillor's Handbook gives a complete set and sample rules of procedure.¹⁷

Report Writing

Know correct wording when writing policies and procedures.

Ensure all documents are written in the correct context (contracts, tenders, policies and procedures, and all relevant council documents).

Sample contracts and tenders are provided in the appendix of this handbook.

Insurance

Every municipality should have Municipal General Insurance (building and equipment, vehicle, and liability). Every town should have an evaluation of building and equipment to determine adequate coverage for loss and liability. Bonding insurance is mandatory, as per section 21 of the Municipalities Act, 1999. Outlined below is a list of suggested coverage a municipality may purchase.

Municipal General Insurance

Municipal General Insurance includes the following: property insurance, boiler and machinery, contractor equipment all risk, automobile, municipal liability, public official liability insurance, employee and councillors travel, fidelity coverage, and umbrella liability.

Light Vehicles & Equipment

Automobile liability coverage provides protection against loss of or damage to property of others or bodily injury loss arising out of the ownership and use of an insured automobile. A minimum coverage of \$1,000,000 should be maintained.

Commercial General Liability

Council members, employees and volunteers (i.e. fire fighters, various committees, such as recreation) are all covered while acting within the scope of their duties. This policy provides coverage for the general operation of a municipality such as , snow clearing, water & sewer etc. Payments will be made from this policy to persons who have suffered an injury due to the town's negligence.

Umbrella Liability

It is recommended to increase coverage under each of the general liability and auto

¹⁷ Municipal Councillor Handbook, Second Edition, Dr. Peter Boswell, Municipal Training and Development Corporation (St. John's: July 2001) p. 107.

policies if more protection is required against liability claims. Some towns have determined that a \$1,000,000 is not quite adequate and therefore have increased their umbrella liability to \$4,000,000 - \$5,000,000.

Municipal Errors & Omissions Liability

This policy provides coverage for the actions of the municipality and its boards, elected officials, employees and volunteers while under the municipalities control and direction. It covers damages that a town could be legally liable for due to an error, omission, or negligent act. As per section 71 of the Municipalities Act, 1999, coverage is also required for:

- 1) crime actions such as forgery, employee dishonesty, and
- 2) extra programs , i.e. pool scuba diving

Travel Accident

This insurance provides coverage for council and staff who have to travel to conduct business on behalf of the town.

While some municipalities may call tenders for the best price, members of the NLFM may avail of a tender price as negotiated by the Newfoundland and Labrador Federation of Municipalities.

Ensure that the town is in good standing with Workplace Health and Safety Compensation Commission (WHSCC). Please contact the WHSCC to assure correct and adequate procedures are in place.

Elections

The Municipal Elections Act gives the complete details to follow for an election.

Promotional materials and booklets are available from the Department of Municipal Affairs and the Municipal Training and Development Corporation.

CHAPTER 8: HUMAN RESOURCES MANAGEMENT

Human resources are the most valuable asset of the municipality and should be properly managed.

Essentially, human resources applies to the workforce managed by an employer. A business of any size needs employees in order to operate. As the most important asset for any business leader, employees need to be properly motivated in order for optimal efficiency to be achieved. **Human resources** refers to the individuals within the firm, and to the portion of the firm's organization that deals with hiring, firing, training, and other personnel issues.

Personnel Management

Personnel management is the accurate and current information of employees and the proper maintenance of personnel records.

Job Descriptions

Ensure all employees have a job description. A job description should define only the duties of the job. When completing the job description, include input from the administrator, employee and council. Job descriptions of municipal positions should be adopted by a motion of council. You may obtain samples from sources such as PMA.

Employment Contracts / Terms or Conditions of Employment

Some councils choose to sign employment contracts with their administrators and/or staff. These contracts may include:

- probationary period
- salary
- benefits (if any)
- paid or unpaid leave

A sample contract is available at the PMA office.

Staff Orientation

Develop an orientation package that would include:

- personnel policy manual
- Municipalities Act, 1999
- job description for the position being filled
- current list of council, committees, and staff

- Union Contract
- Safety Policy
- Confirmation of Training Statement

Develop an orientation presentation that would include:

- Introduction to Staff/Welcome
- overview of the position
- tour of office facilities
- familiarization of town facilities and departments
- overview of municipal contacts such as MA, PMA, MNL, MTDC, MAA, FES

Job Evaluation

Job evaluation is the method and practice of grouping jobs or positions with respect to their value or worth to the organization.

The aim of a job evaluation is to provide a systematic and consistent approach to defining the relative worth of jobs within a workplace. It is a process whereby jobs are placed in rank order according to overall demands placed upon the job holder. It therefore provides a basis for a fair and orderly grading structure.

Job evaluation does not determine actual pay. That is a separate process, normally the subject of negotiation between management and employees or their trade union representatives. Only the job is evaluated, not the person doing it. It is a technique of job analysis, assessment and comparison and it is concerned with the demands of the job, such as the experience and the responsibility required to carry out the job. It is not concerned with the total volume of work, the number of people required to do it, the scheduling of work, or the ability of the job holder.

Why introduce job evaluation? It can be beneficial when the existing grading structure is in need of review. It can help establish or maintain the credibility and acceptability of a grading system. Job evaluation facilitates the accommodation of new or revised jobs into the grading structure. It can be used by organizations as a basis for job matching and external pay comparisons.

Discipline Procedures

Administrative definitions, duties, and discipline procedures are outlined in Part III of the Municipalities Act, 1999, section 53-74. It is recommended that a municipality have written policies and discipline procedures in place. Accurate records should be kept of all infractions or disciplinary actions in the personnel files.

A Progressive Discipline Model, such as the one outlined below, is recommended:
(Or Possible Union Contract)

1. Oral Warning - A verbal warning should be issued first. Include steps that he/she can use to make improvements. Ensure that the conversation has been recorded or documented for the employment file.

2. Written Warning - An employee is to be given a written account of the incident, expectations of improvements, and a time frame for the improvements to be met. Advise the employee that a final written warning will be issued if the situation does not improve.

3. Final Written Warning - If improvement has not been made within the time frame from a previous written warning, a final warning can be issued. This involves issuing a letter which outlines failure to improve. This warning outlines the consequences of failure to improve such as dismissal or other action which are deemed to be appropriate (demotion, transfer, suspension etc.).

4. Suspension - If improvements have not been met by the employee, then a suspension can be issued. Keep a written record for the employment file (in accordance with section 67-68 of the Municipalities Act, 1999).

5. Termination. - Once all warnings and suspensions have been issued, then the employee may have to be terminated for the behaviour. Keep a written record of all events for the employment file. Include this model in your personnel policy. While municipalities may use different termination procedures, the procedure has to follow legislation as outlined in the Municipalities Act, 1999, Labour Relations Act, and Human Rights Code.

LABOUR RELATIONS

Labour Relations for municipalities is the relationship between council and the employees and between the supervisor and employees.

You should be familiar with the following:

- Labour Standards Act
- Labour Relations Board
- Human Rights Code
- OHS Act

Furthermore, you should:

- be familiar with existing employee contracts,
- communicate with your union/staff, and
- know the collective agreement (if applicable).

Union Negotiations and Collective Bargaining

If your municipality has a union, familiarize yourself with the union contract and collective bargaining process.

Outlined below are a number of labour relation policies that a municipality should have.

1. OH&S Policy (Occupational Health and Safety Policy)

An Occupational Health and Safety Policy is important for a municipality to adopt in order to be committed to conducting its business activities in a socially and environmentally responsible manner, ensuring the protection of its employees, stakeholders, consumers and the environment.

The goal of the policy should be to make the workplace a safe and environmentally sound place to work.

The objectives of a policy include:

- establishing and maintaining programs that pro-actively address injury prevention.
- training employees in the procedures established within the Occupational Health and Safety Policy manual.
- ensuring that all standards set by the municipality meet or exceed minimum legislative requirements.
- enforcement of health, safety and environmental rules and regulations.

In addition to a Occupational Health & Safety Policy, a municipality should be familiar with the Workplace Health, Safety and Compensation Commission. The Commission provides short and long term disability benefits to injured workers or survivor benefits if a worker dies as a result of an injury. In return, workers are generally unable to sue an employer or another worker covered under the Workplace Health, Safety and Compensation Act.

The Workplace Health, Safety and Compensation Commission's new employer incentive program PRIME is important at maintaining health and safety and keeping insurance cost low.

A Sample Occupational Health & Safety Policy is available from the PMA office.

Harassment Policy

A harassment policy clearly defines what constitutes harassment and outlines a procedure for mediation and resolution. A harassment policy is an effective tool that can be beneficial to both administrators and councillors.

A sample harassment policy is available from the PMA office.

Personnel Policy

A personnel policy or manual is the official statement of the municipality's personnel policies. It is designed to provide managerial and supervisory staff with uniform knowledge in order to assure equitable and consistent application of the policies. It is the responsibility of each manager and supervisor to administer these policies consistently and impartially.

A personnel policy should include the following information:

- staff orientation
- dress code
- emergency procedures
- group benefits
- Human Rights Code
- training policies (i.e. reimbursement)
- professional development
- vacation
- overtime
- time off in lieu of pay
- travel policies
- leave (statutory, sick, bereavement, family, maternity, paternity, leave of absence, etc.).

A sample personnel policy manual is available from the PMA office.

Group Benefits and Pensions

TRIO group insurance and pensions program has been designed by municipalities so that the coverage may be tailored to meet the requirements of both large and small municipalities.

For further details, please contact Terry Taylor, General Manager, TRIO at 738-7338.

Training/Professional Development

- Take advantage of all available training, such as programs through IIMC and Dalhousie University
- All Municipal Training and Development Corporation sanctioned courses
- PMA, MNL, and other Municipal Organizations regional meetings and conferences

CHAPTER 9: COUNCIL STAFF RELATIONS

An effective and efficient municipality requires a great deal of coordination and cooperation between councillors and administrators. An understanding of the roles and responsibilities of both councillors and administrators is essential for an effective and efficient municipality. A positive relationship between council and administrators makes for good government.

The Role of Administrator/Staff

The role of the administrator is to provide council with advice and to carry out the wishes of council in an effective, efficient, and sensitive manner.

The staff:

- carries out the will of council;
- performs administrative functions;
- does not make political decisions;
- performs duties as directed by council or a responsible body of council;
- applies and administers council by-laws;
- implements and enforces council decisions;
- deals with individual cases and day-to-day operations;
- and provides information; initiate matters to be dealt with by council.

The administrator must be committed to be open and honest with elected officials in an attempt to provide council with the best information necessary. Leadership should be consistent with council's aims and objectives.

Helpful Hints to Foster Good Relationships:

- build your relationship with council.
- an administrator should always publically support council decisions.
- all information that requires council discussion or decisions should be made available to council in a timely manner.
- an administrator should remain neutral, providing an un-bias direction to council.
- an administrator should maintain 'confidentiality' in discussions with councillors or council. Leaks of information can be very damaging between staff and council.

Understanding the Role of Councillor

The role of a councillor is to focus on governance rather than the details of administration. Councils are the policy makers and it is the responsibility of staff to implement that policy. Please refer to the Municipal Councillor's Handbook for further information regarding roles and responsibilities of council.

Councillor Orientation

Develop an orientation package for new councillors. An orientation session for municipal elected officials is very beneficial to a councillor's term on council. Orientation sessions provide an opportunity for councillors to seek clarification, add to their knowledge about the municipality's structure and activities, and provide an overview for municipal government. Councillor orientation should serve as a reference for elected officials by way of assisting them in identifying those areas with which they should be familiar.

Councillor orientation package should include:

- Councillor's Handbook,
- prior minutes (minimum of six meetings),
- rules and procedures,
- orientation handbook and written policies,
- most used policies and regulations, and
- Municipalities Act, 1999

Councillor orientation presentation should include:

- review of the Municipalities Act, 1999,
- information on current issues in the community, past minutes, and liability issues,
- information on your municipal structure,
- tour of all city/town facilities
- all town policies and regulations, and
- house keeping items, such as, where to find copies of minutes, location of the reading files and mail boxes, and the time of meetings.

Information regarding orientation packages and presentations is available from the Municipal Training and Development Corporation.

CHAPTER 10: RESOURCES AVAILABLE

There are numerous resources available to municipal staff. Below is a list of key municipal contacts that will be a useful tool for your municipality.

Municipal Associations and Affiliates

- **PMA – Professional Municipal Administrators**
460 Torbay Road
St. John's, NL A1A 5J3
Telephone: (709) 726-6405
Fax: (709) 726-6408
Email: nlama@nlama.ca
Website: www.pmanl.ca
- **MNL – Municipalities Newfoundland and Labrador**
460 Torbay Road
St. John's, NL A1A 5J3
Telephone: (709) 753-6820
Fax: (709) 738-0071
Email: mnl@municipalitiesnl.com
Website: www.municipalitiesnl.com
(Please Note that MNL has a detailed Source Book that can be used as a reference tool for all your Municipal Needs).
- **MA -Department of Municipal Affairs**
Main Floor, West Block
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6
Telephone: (709) 729-5677
Fax: (709) 729-4475
Website: www.gov.nl.ca
Email: MAinfo@gov.nl.ca

(See your regional office).
- **MTDC - Municipal Training and Development Corporation**
460 Torbay Road
St. John's, NL A1A 5J3
Telephone: (709) 753-1867
Fax: (709) 753-7077
Email: mtdc@mtdc-nl.ca
Website: www.mtdc-nl.ca

- **CAMA - Canadian Association of Municipal Administrators**
 397 Queen St.
 Fredericton, NB E3B 1B5
 Telephone: 1-866-771-2262
 Email: admin@camacam.ca
 Website: www.camacam.ca
- **CPWA - Canadian Public Works Association (Newfoundland and Labrador Chapter)**
 100 Elizabeth Drive
 Gander, NL A1V 1G5
 Telephone: (709) 651-5943
 Email: dmoulton@nf.sympatico.ca
 Website: www.newfoundland-cpwa.net
- **FCM - Federation of Canadian Municipalities**
 24 Clarence Street
 Ottawa, ON K1N 5P3
 Telephone: (613) 241-5221
 Fax: (613) 241-7440
 Email: info@fcm.ca
 Website: www.fcm.ca
- **Municipal Assessment Agency**
 Head Office: 75 O'Leary Ave.
 St. John's, NL A1B 2C9
 Telephone: (709) 724-1532
 Email: info@maa.ca
 Website: www.maa.ca
- **NLAFS - Newfoundland and Labrador Association of Fire Services**
 P.O. Box 572
 Gander, NL A1V 2E1
 Telephone: (709) 651-2361
 Fax: (709) 651-4990
 Email: nlafeff@nf.sympatico.ca
 Website: www.nlfireservices.com
- **RNL - Recreation Newfoundland and Labrador**
 1296A Kenmount Rd, Paradise
 P.O. Box 8700
 St. John's, NL A1B 4J6
 Telephone: (709) 729-3892
 Fax: (709) 729-3814
 Email: info@recreationnl.com

Website: www.recreationnl.com

- **NLAMEO - Newfoundland and Labrador Association of Municipal Enforcement Officers**
P.O. Box 280
Gander Town Hall
Gander, NF A1V 1W6
Telephone: (709) 256-4065
Email: Treena.Reid@rcmp-grc.gc.ca
- **API - Atlantic Planners Institute -Newfoundland and Labrador Branch**
P.O. Box 908
St. John's, NL A1C 5M2
Tel: 576-6121
Fax: 576-8625
Website: www.atlanticplanners.org/

Financial

- **ACOA - Atlantic Canada Opportunities Agency**
John Cabot Building, 11th Floor
10 Barter's Hill
P.O. Box 1060 STN C
St. John's, NL A1C 5M5
Telephone: (709) 772-2751
Fax: (709) 772-2712
Website: www.acoa-apecca.gc.ca
- **HRSDC - Human Resources and Skills Development Canada**
St. John's Human Resources Centre of Canada
223 Churchill Avenue
St. John's, NL A1B 3P3
Telephone: (709) 772-2982
Fax: (709) 772-0354
Website: www.hrsdc.gc.ca
- **HRLE - Department of Human Resources, Labour and Employment**
Regatta Plaza Bldg., Elizabeth Ave.
P.O. Box 8700
St. John's, NL A1B 4J6
Telephone: (709) 729-3982
Email: hreweb@gov.nl.ca
Website: www.hrle.gov.nl.ca
- **IBRD - Department of Innovation, Business and Development**
Confederation Bldg., P.O. Box 8700

St. John's, NL A1B 4J6
Telephone: (709) 729-7000
Fax: (709) 729 - 0654
Email: IBRD@gov.nl.ca
Website: www.ibrd.gov.nl.ca

Law

- **Roebathan McKay Marshall**
34 Harvey Road, P.O. Box 5236
St. John's, NL A1C 5W1
Telephone: (709) 753-5808
Toll-free; 1-800-563-5563
Fax: (709) 753-5221
Email: jmartin@wrmmlaw.com
Website: www.makethecall.ca
- **Stewart McKelvey Stirling Scales**
100 New Gower Street, Cabot Place, Suite 1100 P.O. Box 5038
St. John's, NL A1C 6K3
Telephone: 709-722-4270
Fax: 709-722-4565
Email: st-johns@stewartmckelvey.com
Website: www.stewartmckelvey.com

Insurance

- **Cal LeGrow-Baine Johnston Insurance**
189 Higgins Line
St. John's, NL A1B 4N4
Telephone: 576-1612
Fax: 576-1238
Email: mryan@callegrow.com

Development Organizations

- **EDANL - Economic Development Association of Newfoundland and Labrador**
Telephone: (709) 895-8000 ext 260
Fax: 895-3780
Email: jeff.lawlor@pcsp.ca
- **Harris Centre of Regional Policy and Development**
1st Floor Spencer Hall
Memorial University of Newfoundland
St. John's, NL A1B 3R5
Tel: 864-3143
Fax: 864-3734
Email: harriscentre@mun.ca

Website: www.mun.ca/harriscentre/

Communications

- **Councillor's Handbook**
- available from the MTDC

- **CBSC - Canada/Newfoundland & Labrador Business Service Network**

90 O'Leary Ave. P.O. Box 8687, Stn. A
St. John's, NL A1B 3T1
Telephone: 1-800-668-1010
Fax: 709-772-6090
Email: info@cbsc.ic.gc.ca
Website: www.cbsc.org/nf

Other Affiliates

- ***ATTIPA - Access to Information and Protection of Privacy***
5th Floor, East Block, Confederation Bldg.
P.O. Box 8700
St. John's, NL A1B 4J6
Telephone: 709-729-7072
Fax: 709-729-5466

- ***WHSCC - Workplace Health Safety and Compensation Commission***
146-148 Forest Rd. P.O. Box 9000
St. John's, NL A1A 3B8
Telephone: 709 - 778-1000
Fax: 709 - 738-1714
Toll Free: 1-800-563-9000
Website: www.whsc.nf.ca

Web Addresses of Interest

Canadian Association of Municipal Administrators

- <http://www.camacam.ca/>

Federation of Canadian Municipalities

- <http://www.fcm.ca/>

Government of Canada

- <http://canada.gc.ca/>

Government of Newfoundland and Labrador

- www.gov.nl.ca

Municipal Affairs

- www.ma.gov.nl.ca/ma/

Municipal Assessment Agency

- www.maa.ca

MUNISOURCE

- <http://www.munisource.org/>

Municipalities Newfoundland and Labrador

- www.municipalitiesnl.com

Public Legal Information Association of Newfoundland and Labrador

- <http://www.publiclegalinfo.com/>

Labour Standards Act

- <http://assembly.nl.ca/legislation/sr/statutes/l02.htm>

Labour Relations Board

- <http://www.hrle.gov.nl.ca/lrb/>

Human Rights Commission

- <http://www.justice.gov.nl.ca/hrc/index.html>

Occupational Health and Safety Act

- <http://assembly.nl.ca/legislation/sr/statutes/o03.htm>

Presiding Officer

5. In accordance with Section 22 of the *Municipalities Act*, the mayor shall preside at all meetings of council. In his absence, the deputy mayor shall preside. In the absence of both the mayor and deputy mayor, the clerk shall take the chair, call the members to order, and if a quorum is present, a chairman shall be appointed from among the councillors present. Such chairman shall preside during the meeting or until the arrival of the mayor or deputy mayor.

Quorum

6. In accordance with section 211 of the *Municipalities Act*, a quorum shall consist of a majority of councillors in office.

If no Quorum

7. If there is no quorum present within fifteen minutes after the time appointed for holding a meeting, the clerk shall call the roll and take down the names of the members then present. The meeting shall then stand adjourned until the next regular meeting.

Attendance

8. In addition to the mayor and councillors, the town clerk or designate and the town manager or designate shall attend all meetings of council.
9. Department heads and other employees of council shall attend meetings of council when requested to do so by council or the town manager.

Meetings Open to the Public

10. In accordance with section 213(1) of the *Municipalities Act*, every meeting of council shall be open to the public, unless it is held as a privileged meeting or declared by a vote of the councillors present at the meeting to be a privileged meeting.
11. Where a meeting is held as or declared to be a privileged meeting, all members of the public present at the meeting shall leave.
12. In accordance with section 213(3) of the *Municipalities Act*, where a decision is made by the councillors at a privileged meeting, the decision, in order to be valid, shall be ratified at the next public meeting of council.

Minutes

13. Minutes of meetings of council shall be recorded by the town clerk or designate. Such minutes shall contain:
 - All motions and resolutions coming before council, including the names of the movers and seconders thereof;
 - The names of all council members voting in favour or against each motion, and the names of those abstaining;
 - The title or brief description of all reports, petitions, and other documents submitted to council. Reports accepted by council shall be attached to the minutes.

Correction of Minutes

14. If any member of council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if council agrees, the motion adopting the minutes shall contain the necessary corrections.

Agenda

15. Prior to each regular meeting of council, the clerk shall prepare an agenda of all business to be brought before the council. As indicated in Rule 3, the agenda is to be distributed to councillors forty-eight hours prior to council meetings.
16. Any member of council, up until noon of the Friday prior to the council meeting, may submit to the town clerk an item for inclusion on the agenda.
17. The format of the agenda shall be as follows:
 - a. Calling of meeting to order
 - b. Adoption of minutes
 - c. Business arising from minutes
 - d. Delegations
 - e. Committee reports
 - f. Correspondence
 - g. Finances
 - h. Regulations
 - i. General Business
 - j. Notices of motion
 - k. Adjournment

Agenda for Special Meetings

18. When a special or privileged meeting is called for the consideration of some particular matter, the order of business as set out in Rule 17 shall not apply. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by majority vote.

Order and Decorum

19. The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

Disorderly Persons

20. The presiding officer may expel and exclude from a meeting any member of council or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of council, an entry shall be made in the minutes of the reason for such exclusion.

21. Any member expelled from a meeting under the provisions of Rule 20 may be permitted, by a majority vote of councillors at the meeting in progress, to resume his place after making an apology to the presiding officer.

Notice of Motion

22. Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by moving a motion at the previous meeting.

Motions during Debate

23. When a question is under debate, the following non-written motions shall be in order:
 - a. To extend the time of the meeting
 - b. To refer or commit
 - c. To amend
 - d. To lay on the table
 - e. To postpone indefinitely
 - f. To move the previous question

Motions to be Seconded

24. Every motion shall be seconded before being put or debated.

Withdrawal of Motions

25. When a motion has been moved and seconded, it cannot be withdrawn except with the permission of council and the mover and seconder, and then only

before a decision has been taken or an amendment made.

Division of Motion

26. Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member, be divided if the sense of the motion permits. The vote on each such division shall be taken separately. If a motion cannot reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

Addressing the Motion

27. Members of council shall address their remarks to the presiding officer and continue themselves to the question at hand.

Entitlement to Speak

28. If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

Call to Order

29. The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

Appeal on a Point of Order

30. The decision of the presiding officer on a point of order is subject to an appeal to council which is to be decided by majority vote without debate.

Member Speaking not to be Interrupted

31. When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

Length of Debate

32. No member, without the consent of council, shall speak longer than five minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

Rereading of Motion

33. Any member of council may require the question or motion under discussion to be read for information at any period during the debate, but not so as to

interrupt a member speaking.

Voting

34. All decisions of council, unless otherwise specified either under the *Municipalities Act* or under these Rules, shall be by majority vote of the members present.

Recorded Vote

35. In accordance with Section 212(4) of the *Municipalities Act*, the clerk shall record the names of those voting in favour of the motion, those voting against the motion, and those abstaining.

No Secret Ballot

36. No vote shall be taken in council by ballot or by any other method of secret voting.

Reconsideration

37. Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given in accordance with Rule 22.

38. If the motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

Tie Vote

39. In accordance with section 212(5) of the *Municipalities Act*, where there is a tie vote on a question, the question shall be considered to have been defeated.

Motion to Adjourn

40. A motion to adjourn is always in order except when:
- a. a member is addressing the chair;
 - b. a vote is being taken; and
 - c. it has been decided that the previous question shall be taken.

41. A motion to adjourn the council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the council meeting or the debate to a given day may be amended and is open to debate.

42. No second motion to adjourn the council meeting or the debate shall be made until some intermediate proceedings have transpired.

Previous Question

43. The “previous question” shall preclude all amendments of the main question and shall be put in the following words: “That the question now be put.” If the motion is resolved in the affirmative, the original question shall be voted on immediately without amendment or debate. If the motion is defeated, then the main question may then be debated and amended.

Motion to Postpone Indefinitely

44. A motion to postpone indefinitely shall not be amended, and when any question before council has been postponed indefinitely, it shall not be taken up again during the same meeting.

Motion to lay on the Table

45. A motion to lay a question on the table shall not be debatable. However, a motion “to lay on the table” with addition, qualification or opinion, shall be subject to amendment and debate.

Motion to Suspend the Rules

46. A motion to suspend the rules requires a two-thirds vote of members present.

Privilege

47. Whenever a matter of privilege arises it shall be dealt with immediately by council.

Motion to Refer or Commit

48. A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

Committees

Authority to Form

49. In accordance with Section 25 of the *Municipalities Act*, council may from time to time appoint committees. The mayor shall be an ex-officio member of all committees.

Standing Committees

50. Standing committees of council shall remain in effect for the life of the council, and members shall be appointed at the first council meeting of each year.

Special Committees

51. Special committees of council shall remain in effect only until the purpose for which they were set up has been accomplished. Special committees will automatically expire at the end of each year, unless struck again by council.

- Committee of the Whole*
52. Council may, by majority vote, resolve itself into a Committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The deputy mayor will assume the chair, and if the deputy mayor is absent, another member of council shall be elected as chairman.
- Committee Membership*
53. Membership on all committees of council is limited to members of council.
- Quorum of Committees*
54. A majority of the members of any committee shall constitute a quorum.
- Committee Chairman*
55. When council appoints a committee, it shall also appoint one of its members to be chairman of that committee.
- Committee Secretary*
56. The town clerk (or designate) shall act as secretary to each committee of council.
- Committee Minutes*
57. Prior to the next meeting of the committee, the secretary shall prepare minutes of the previous meeting for submission to and confirmation by the committee.
- Committee Report*
58. Following every committee meeting, the secretary shall prepare for the chairman a report on all matters which require council action.
- Conduct of Business in Committees*
59. The following rules and regulations shall apply to the proceedings in committees:
- a. The chairman shall preside at every meeting. In the absence of the chairman, one of the other members of the committee shall be elected by the members present to preside during the chairman's absence.
 - b. The chairman may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost.
 - c. No motion need be seconded.
 - d. The previous question will not be allowed.
 - e. There shall be no limit on the number of times a member may speak.
 - f. The votes of members on any question shall be recorded if requested by any member.

Minority Reports

60. Members of a committee dissenting from a report which has been adopted by the majority of a committee, may make and present to council a minority report. Such report must be presented at the same meeting of council to which the majority report is submitted and must be signed by the dissenting member(s).

Clarification and Amendment Procedure

Clarification of Rules

61. In all cases where these rules and regulations do not make provision or adequate provision, then Robert's *Rules of Order* shall apply.

Amendment of Rules

62. Any motion to amend these rules must be presented to council in accordance with Rule 22, and must be passed by a two-thirds majority of members present.

Effective Date

63. These rules and resolutions shall become effective upon the date of enactment.

APPENDIX B

MODEL SET OF MINUTES

Please NOTE, these sample rules of procedure were borrowed from the Municipal Councillor's Handbook)

**Town of Anywhere
Regular Council Meeting, December 3, 20____**

**Minutes of a regular meeting of the council
of the Town of Anywhere, held in the
Town Hall, December 3, 20____ at 7:30 P.M.**

Members Present

Mayor	G. Hall
Deputy Mayor	M. Dalton
Councillors:	D. Kelsey
	J. MacDonald
	T. Norris
	P. Scott
	J. Taylor

Also Present

Town Clerk	J. Graham
Town Manager	C. Black

*Minutes:
Regular Meeting
November 20, 20____*

Regular Meeting of November 20, 20____

Mayor Hall asked if there were any errors or omissions to the minutes of the regular meeting of November 20, 20____ which had been circulated with the agenda.

Councillor Norris noted that voucher #1487 in the list of accounts to be paid should have been shown as \$418.00 not \$41.80.

Motion 01-173 - Dalton/Norris

Resolved that the minutes of the November 20, 20____ regular meeting of council be adopted as circulated and corrected.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, T. Norris, P.
Scott, and J. Taylor.

Opposed: 0
Abstaining: 0
Motion Carried

Minutes:
Privileged Meeting
November 25, 20_____

Privileged Meeting of November 25, 20_____

Mayor Hall asked if there were any errors or omissions to the minutes of the privileged meeting of November 25, 20_____ which had been circulated with the agenda.

Motion 01-174 – Taylor/Macdonald

Resolved that the minutes of the November 25, 20_____ privileged meeting of council be adopted as circulated.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, T. Norris, P. Scott, and J. Taylor.

Opposed: 0

Abstaining: 0

Motion Carried

Business Arising

1) Motion from Privileged Meeting

Mayor Hall reminded council that in accordance with Section 213(3) of the *Municipalities Act*, any decisions taken at a privileged meeting must be ratified at a public meeting in order to be valid.

Motion 01-175 – Kelsey/Taylor

Resolved that the salaries of the town clerk and town manager be increased by 4.5% effective January 1, 20_____.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, and P. Scott.

Opposed: T. Norris and J. Taylor

Abstaining: 0

Motion Carried

Road Conditions

The town manager reported that the road leading to the municipal park has been freshly graveled and graded.

Emergency Funding

The town clerk advised that no reply had yet been received from the Department of Municipal and Provincial Affairs regarding council's request for emergency funding.

Delegations

Do-Good Service Club

A delegation of 5 members from the Do-Good Service Club attended the council meeting. The spokesman, Mr. Albert Porter, outlined the club's activities and asked that council financially support the club's Christmas parade entry. Mayor Hall thanked the delegation and advised that matter would be taken up under general business.

Mountain View Taxpayers Committee

A delegation of about 20 residents of Mountain View subdivision attended. Their spokesman, Mr. J. Johnston, described the difficulties which residents were having as a result of the low water pressure. Mayor Hall advised the delegation that the matter would be referred to the Planning and Works committee for study and recommendation.

*Committee Reports:
Planning*

Planning and Works Committee

Councillor J. Macdonald presented the report of the Planning and Works committee which recommended approval of a building permit to Mr. F. Whalen for renovations to his house on Carriage Road.

Motion #01-176 – Macdonald/Scott

Resolved that the report of the Planning and Works committee be received and considered by council.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, T. Norris, P.
Scott, and J. Taylor.

Opposed: 0

Abstaining: 0

Motion Carried

Administration

Councillor Norris advised council that the Administration committee had almost completed its review of the town's administrative procedures and expected to have a report ready for the next regular meeting of council.

Correspondence

The following correspondence, which had been acted on by the town staff, was presented to council for information.

From	Regarding	Action
Mrs. H. Noseworthy	Backed-up sewer	Repaired
Mrs. J. Taylor	Query on tax rate	Information sent
Mr. S. Tucker	Request for fill	Advised none now available

The following correspondence was considered by council:

From	Regarding	Action
Mr. J. Rideout	Object to proposed gas bar on Main Street	Referred to Planning and Works Committee
Department of Municipal and Provincial Affairs	Reminder budget due December 31	Referred to Finance Committee
Residents of Rocky Road	Request for water and sewer	Referred to Planning and Works Committee
XYZ Consulting	Proposal for study of computer needs	Motion

At the beginning of discussion on this item, Councillor P. Scott advised council that since he owned A-1 Computer Solutions, he would be in a conflict of interest and left the meeting.

Motion #01-178 – Macdonald/Scott

Resolved that tenders be called to invite proposals for a study of the town's accounting operations with a view to determining the feasibility of converting to an updated computer system.

In favour: Mayor G. Hall, Councillors D. Kelsey, and J. MacDonald.

Opposed: Deputy Mayor M. Dalton, Councillors T. Norris, and J. Taylor.

Abstaining: P. Scott

Motion Defeated

Upon notice by the clerk that that discussion on this item had concluded, Councillor Scott returned to the meeting.

Mrs. B. Russell

Request to lower speed limit on Main Road to 40 KPH Refer to Traffic Committee

Smith & Jones

Application for subdivision development Refer to Planning and Works Committee

Finances

Budget Statement

The financial statements of the town up to October 31, 20____ were distributed with the agenda. Councillor M. Dalton responded to a few questions concerning the town's financial position.

Accounts for Payment

Councillor Dalton reported on behalf of the Finance Committee and noted that the list of accounts for payment had been attached to the agenda.

Motion #01-179 – Dalton/Norris

Resolved that vouchers #1587-1613 inclusive totaling \$48,187.63 be approved for payment.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton, Councillors D. Kelsey, J. MacDonald, T. Norris, P. Scott, and J. Taylor.

Opposed: 0

Abstaining: 0

Motion Carried

*Regulations:
Garbage Pickup*

Amendment to Garbage Pickup Regulations

In accordance with a notice of motion which had been given at the previous council meeting by Councillor Scott, the following motion was put:

Motion #01-180 – Scott/Dalton

Resolved that Regulation #98-031 be amended by deleting the words "twice each week" in paragraph 2 and replacing them with "weekly."

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, and J. MacDonald, and P.
Scott.

Opposed: Councillors T. Norris and J. Taylor.

Abstaining: 0

Motion Carried

Fence Heights

Fence Heights Regulations

As instructed by council at the previous meeting, the clerk presented a draft regulation which had been prepared by the town solicitor to regulate the height of fences in the municipality.

Motion #01-181 – Kelsey/Taylor

Resolved that Regulation #01-019, which is attached hereto, and establishes the maximum height for fences on property fronting any highway or road in the municipality be no greater than four feet, be now passed by council.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, T. Norris,
P. Scott, and J. Taylor.

Opposed: 0

Abstaining: 0

Motion Carried

General Business

Convention Attendance

Councillor D. Kelsey requested authority to attend the annual convention of Municipal Recreation Committee Chairpersons in Toronto during November 15-18 at an estimated cost of \$1,750.00.

Motion #01-182 – Morris/Dalton

Resolved that Councillor D. Kelsey be authorized to attend the annual convention of Municipal Recreation Committee Chairpersons in Toronto during November 15-18, and that his expenses be reimbursed up to the amount of \$1,000.00 in accordance with the guidelines for the remuneration of councillors.

Councillor Kelsey abstained from voting on the question.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors J. MacDonald, T. Norris, P. Scott, and
J. Taylor.

Opposed: 0

Abstaining: Councillor D. Kelsey

Motion Carried

Complaints about Garbage Dropped on Road

Councillor P. Scott reported that he had received a number of complaints about garbage being dropped from the garbage trucks and left on the roads.

The town manager was directed to look into this and to report to the next council meeting.

Funding Request from Do-Good Service Club

Prior to discussion of this item, Councillor Macdonald stated that he would abstain from any discussion or voting on this question since he was a member of the Do-Good Service Club and he wished to avoid any appearance of a conflict of interest. He left the council chambers prior to discussion.

Motion #01-183 – Taylor/Scott

Resolved that the sum of \$100.00 be given to the Do-Good Service Club to assist with their Christmas parade.

Amendment – Kelsey/Dalton

That the amount be \$200.00

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillor D. Kelsey,

Opposed: Councillors T. Norris, P. Scott, and J. Taylor.

Abstaining: Councillor J. MacDonald

Amendment failed

The amendment having failed, a vote was then held on the main motion allowing further discussion.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, T. Norris, P. Scott, and J.
Taylor.

Opposed: 0

Abstaining: Councillor J. MacDonald
Motion Carried

Upon notice by the clerk that that discussion on this item had concluded, Councillor MacDonald returned to the meeting.

Notice of Motion

Councillor J. Macdonald gave written notice that he will introduce at the next regular meeting of council a motion to amend Regulation #97-014 with the intent of increasing the fee for sales from vehicles from \$25.00 to \$100.00.

Adjournment

Motion #01-184 – Scott/Norris

Resolved that council do now adjourn to meet again on Tuesday, December 17, 20____ at 7:30 P.M.

In favour: Mayor G. Hall, Deputy Mayor M. Dalton,
Councillors D. Kelsey, J. MacDonald, T. Norris,
P. Scott, and J. Taylor.

Opposed: 0
Abstaining: 0
Motion Carried

The meeting adjourned at 10:55 P.M.

Mayor

Clerk

APPENDIX C

PROFESSIONAL MUNICIPAL ADMINISTRATORS (PMA)

In the early 1970's a group of Town Managers and Town Clerks, concerned for municipal education and training, professional standards, and the overall need to foster a better understanding of municipal government, felt the need to band together to build a united group. The group formed the body then known as the Newfoundland and Labrador Association of Municipal Administrators (NLAMA) but currently known as Professional Municipal Administrators (PMA).

The Association's aim is to promote professionalism, provide a united voice in dealing with Municipalities Newfoundland and Labrador and the Department of Municipal Affairs, and to create a pool from which its members may draw information and advice from more experienced administrators.

At the Association's annual convention, an executive is elected, consisting of a President, Vice-President, Treasurer, and five Regional Directors. These officers hold office for two years and are eligible to be re-elected in the same office for a second term. Funding is provided primarily by membership, and a grant from the Department of Municipal Affairs.

The Association is frequently called upon by Municipalities Newfoundland and Labrador and the Department of Municipal Affairs to assist in various research and committee activities.

APPENDIX D

THE MUNICIPAL TRAINING AND DEVELOPMENT CORPORATION (MTDC)

The Municipal Training and Development Corporation (MTDC) was created in 1999 and is a partnership between the Department of Municipal Affairs (MA), Municipalities Newfoundland and Labrador (MNL), Professional Municipal Administrators (PMA), and the Combined Councils of Labrador (CCL). It is governed by an eight member Board of Directors, two from each partnering organization.

This corporation exists to strengthen and improve the leadership, administrative, operational, and other job related skills of municipal clerks, managers, councillors, and other municipal employees and volunteers. MTDC accomplishes this goal by providing training and professional development opportunities to municipal councils and their staff. The production of quality resource materials that municipalities can use as guides to improving the management and operation capabilities at the local level, is also a priority for MTDC. To date, several publications have been produced and distributed to all municipalities.

MTDC provides financial assistance for training and professional development, which is fully funded by the Department of Municipal Affairs. This program enhances the opportunities for both elected officials and municipal staff to attend necessary training and professional development activities. Two financial programs exist: (1) *Matched Training Financial Assistance Program*...This 50% cost shared program is available to municipalities to offset the costs associated with attendance at training and development activities sponsored or sanctioned by MTDC. (2) *Municipal Training Partner Support Program*...This program provides financial support, on a cost-shared basis, to partner organizations who are delivering MTDC sanctioned training and development activities to elected officials and municipal staff.

When determining training needs and demands, MTDC will enter into partnerships with various educational institutions and organizations. An example of this was the creation of a new strategic alliance between MTDC and College of the North Atlantic (CNA) to develop a core program and two advanced programs in Local Government Management. These Continuing Education Studies Certificate programs were designed for elected officials and municipal staff to improve their understanding of their roles and expectations, enhance the professionalism and productivity of their relationships with other councillors, administrators, staff, taxpayers, the media, and other key stakeholders, and ultimately increase their job performance and results.

The formation of partnerships within the community promotes social and economic development and represents a solid foundation for further innovations and new programs essential to the prosperity of municipalities.

For further information on MTDC and its activities, please contact...

MUNICIPAL TRAINING AND DEVELOPMENT CORPORATION

460 Torbay Road, St. John's, NL A1A 5J3

Tel: (709) 729-5107 Fax: (709) 726-6408

Website: www.mtdc-nl.ca

APPENDIX E

MUNICIPALITIES NEWFOUNDLAND AND LABRADOR

Municipalities Newfoundland and Labrador (MNL) was formed in 1951 as a voluntary association of incorporated municipal governments in Newfoundland and Labrador. The Federation's Statement of Purpose list several primary roles:

- To provide programs and services of common interest to the members.
- To provide a united approach on issues affecting local governance.
- To advance the ambitions and goals of its member communities by developing a shared vision of the future.
- To effectively serve as a local government spokesperson and to represent its members in matters affecting them or the welfare of their communities.
- To further the establishment of responsible government at the community level.

The Federation membership meets annually in Convention to elect the Board of Directors and to develop policy through resolutions adopted by the Convention.

The Board of Directors consists of a President, Vice-President, Urban Municipalities Director, City of St. John's Director, Small Towns Director, and six Regional Directors. The Board is charged with carrying out the policy objectives established by Convention and with developing new policy objectives to address municipal concerns as they arise.

The Board is assisted in this task by its committees (whose membership is not necessarily limited to Board members) and by the staff of the Federation secretariat.

For more information on MNL please visit the website at www.municipalitiesnl.com

APPENDIX F

TRIO

Trio is an incorporated body that offers municipalities throughout the province of Newfoundland & Labrador a full range of group insurance, pension and group retirement savings programs. These programs were previously offered by the Pension & Benefits Committee of MNL, however, in 1991 it was incorporated as a separate corporate entity.

TRIO is governed by a six-member Board of Directors – three municipal councillors and three municipal administrators. One councillor is appointed by the MNL Board; one administrator is appointed by the PMA Board; the remaining board members serve staggered two-year terms with one member being elected each year at the MNL & PMA conventions. TRIO

The mandate of TRIO is to manage group insurance and pension programs and to provide flexible and appropriate coverage in a responsible and fiscally prudent manner for municipal employees and councillors. It is also the Board's responsibility to monitor the service provided by consultants to ensure the service meets the requirements of all participants and review the performance of investors to ensure appropriate returns are obtained to meet current and future pension obligations. There is an ongoing responsibility to monitor and promote both group benefit and pension programs.

The basic benefits provided under the group insurance programs consist of:

- Life and Accident Death & Disability Insurance.
- Dependent Life Insurance
- Short and Long Term Disability Insurance.
- Supplementary Health & Dental Coverage.
- Employee Assistance Program (EAP).

The pension programs provided consist of:

- Defined Benefit Plan – 8 different benefit options.
- Defined Contribution Plan.

Each option offers a combination of different ancillary benefits, different pension benefits, and different contribution rates.

The pension plan is funded by employee contributions, employer contributions and investment income. The contribution rates for employees are set out in the plan text for the various benefit options provided under the pension plan. The employer contributes the balance of the cost to keep the Plan on a level track and is responsible for the

funding needed to cover accruing benefits and for funding any deficits that may arise. Actuarial valuations are performed every three years to determine the financial viability of the pension plan and to establish any funding contribution that may be required by employers to cover accrued benefits and to fund any deficits. As of October 2012, the assets in the pension fund exceeded 63 million.

The consultant, administrator and actuary for the pension program are Mercer (Canada) Ltd. The group health care program is self-administered.

APPENDIX G

SAMPLE - Municipal Newsletter

TOWN NEWSLETTER

March 23, 2006

COME HOME YEAR

Because this town has been incorporated since 1958, the council has decided to have a Come Home Year celebration sometime during the summer of 2008. For the next two years money will be set aside. A planning committee will be set up this year, but it's now time to inform your family members and friends who live elsewhere to start making plans to come and help celebrate this milestone.

WINTER CARNIVAL

The Winter Carnival will take place sometime in the middle of February. A meeting date will be announced to take place in the Fire Hall in January. Any group interested in hosting an event should attend this meeting. I would also welcome any volunteers or individuals with some fresh ideas to help make this carnival a Community event that has something for everyone to enjoy. Again, please feel free to attend if you would like to get involved.

PERMITS

A Permit is required from the town prior to proceeding with the following:

- A. Any type of construction including general repairs and fences.
- B. Changing a dwelling or building for use as an apartment unit.
- C. Subdivision of Land.
- D. Paving of parking lots or driveways.
- E. Connecting to the water and/or sewer system.
- F. Using a building or land for a business.
- G. Land development such as gravel pits, farming, etc.

SNOW CLEARING

No person shall park a vehicle on any side road or area generally used or intended for use by pedestrians. The shoveling, pushing, depositing or piling of snow on any road or

street or the right of way on boundaries is prohibited.

No person shall park any motor vehicle on any road or street, or between the hours of 12 midnight and 8 AM. No person shall park a vehicle on the sidewalk to hamper a pedestrian from using that sidewalk.

OUTDOOR WATER EFFICIENCY

Across Canada, water use doubles in the summer. It is the time of the year when we wash our cars, clean and fill our swimming pools, and water our plants and gardens. In fact, over-watering our lawns wastes the most water. Close to ½ of water put on lawns is lost to run-off. Beautiful lawns and gardens do not have to be a lot of work, if you take advantage of natural conditions and landscape planning. By taking advantage of low-water plants, you can create a yard that is beautiful and easy to maintain.

Source: *Household Guide to Water Efficiency* – CMHC.

To obtain your own copy of the Water Efficiency Guide, with hundreds of ways to reduce water consumption, inside or outside your home, call CMHC at 1-800-668-2642 or visit www.cmhc-schl.gc.ca.