

Candidate Information Session

March 29, 2018

Reasons Some Run for Office, But Beware

Some people have their own ideas about what Council can do and why they should become Council members. Here are some ideas, which may prove challenging for some people as they consider running for Council:

- "I have one issue that I want to have resolved and I'm the only person who can do it". **Those who have only one issue in their platform may not be elected and if they are, they may have a difficult time getting support from fellow councillors - it's council as a body that makes decisions and sets policy, not individual councillors.**

Reasons Some Run for Office, But Beware

- **Being a councillor is more of a 24/7 job than most people realize. Members of council, even when on personal time, are within easy reach of the public.**
- "I own some land that I want rezoned so that I can make some money on it". **Working as a councillor to better your own financial interests is illegal.**
- "I have a Contracting Business and I can help the Public Works Department with their roads". **Council should set policy and it is the staff who implements that policy. Potential conflict of interest is a constant evaluation for elected officials.**

The Authority of Municipal Government



- Municipal governments are governed by Provincial and Federal legislation. In other words, there is only so much a municipal government can do. For example, you may live in an area under one of the flight paths for a major airport, or have residents living adjacent to a railway and want the noise reduced or eliminated.
- Unfortunately, these services are not governed by the municipality. All you can do is try to make your federal or provincial representative aware of the issues and assist your resident in working toward change.
- There are hundreds of statutes (legislation and regulations) that affect municipal government. The two main Acts that candidates need to know about are the *Municipal Act* and the *Planning Act*.

The Authority of Municipal Government

- Under the *Municipal Act*, the powers of municipal governments are both broad (e.g. ability to enter into contracts, ability to acquire and sell property) and limited (e.g. what are its taxing authority, other revenue tools).
- The Act, when it comes to the authority of a municipality, uses such phrases as "the municipality may..." or "the municipality shall'..." to describe the limits of the municipalities' authority.
- The *Planning Act* also affects the powers of municipal governments in Ontario and "provides for a land use planning system led by provincial policy". It sets out the process and its minimum requirements, including public meetings.

What You Should Know Before You Run for Office

Councillors spend a lot of time doing their council jobs, often on top of another "day job". The job of an elected official is much more than what the public sees.

Councillors:

- Must read agendas, reports, legislation, etc. to be prepared to participate in decision-making; going into a meeting unprepared is unwise as decisions set policy, impact services and they often impact budgets.
- Listen to other councillors, staff advisors, rate payers – gathering ideas is important. Don't be surprised if you get calls at home or are stopped on the street. There is no 'on/off' to being an elected official.





What You Should Know Before You Run for Office

- Must attend meetings – often throughout the day and during evenings. Council members must attend council meetings, committee meetings and local or joint board meetings if they are assigned to them.
- Are appointed to special boards and committees – this involves additional reading, listening and meetings (e.g. Library Boards, District Social Services Administration, local area shared service committees, etc.).
- Because a council member's job is 24/7, you are always in the public eye. It is basically life in a fishbowl.
- Professional behaviour is a must at all times. Never assume that you are having a private moment. Any elected officials will tell you that there is no such thing in the life a municipal politician.



What You Should Know Before You Run for Office

- Council members should consider the scheduling of council meetings prior to making family commitments if possible. For example, vacations and personal time are best taken when Council is not actively in session. This can be a source of stress for the council member and for that member`s family.
- Councils and members of council work within an integrity and accountability policy in the public office framework.
- In addition, councils must have procedural bylaws and follow rules for "open" and "closed" meetings. The public expects Council and its members to be community leaders, acting with respect for each other, staff and the public.

Council Members and the Media



Life in the fishbowl begins when you announce you are going to run for elected office. People take note of what you say – whether you`re giving a speech or a media interview, or just talking to a member of the public at the coffee shop.

The media, for instance may file away that speech or the story they wrote based on the interview and the next reporter to do a story will pull up that file and check what you`ve said before. And the person in the coffee shop is going to notice if what the media reports is different than what you told them.



Council Members and the Media

Most municipalities have different policies about how to deal with the media. Two main questions are:

- **When does the municipal corporation speak?**
- **When does the elected representative speak?**

In some municipalities, the Mayor or Reeve may be designated to speak to the media on the outcome of the council meetings. For some matters, it may be the Chair of a municipal committee, for example the Chair of the budget committee. Someone else again may be designated to speak on union negotiations.

It doesn't mean that as a member of council you won't be asked your views. But remember, a council decision is the policy of the municipality.

Tips for Dealing with the Media

It is important to remember that the media are there to get a story. That is their job. They want information and the better the information, the better the news report.

Other things to remember include:

Nothing you say is ever "off the record" when speaking with the media – even when you have agreed that you are off the record!

Consistent messaging is critical – keep your message the same every time. If you must change your message, be sure to say why. For example, "Based on this new information, I now see that ..."

Decision-making process

In municipal governments, there are no political parties. Each council member sits as an independently elected representative of his or her constituency. This means that there is no set opinion or viewpoint that council members must follow when considering issues. Council members must form their own opinions and be prepared to argue their case and persuade other members to see their point of view.

Decisions passed by council are group decisions. They are made by resolution or by by-law and require a majority vote. Councils will also have rules about how to review or revisit a decision.

Techniques for Working with Others

Council members work with other councillors, staff members and members of the public. It's not always easy to get along with everyone, but there are some techniques that will make things easier.

Techniques for Working with Others

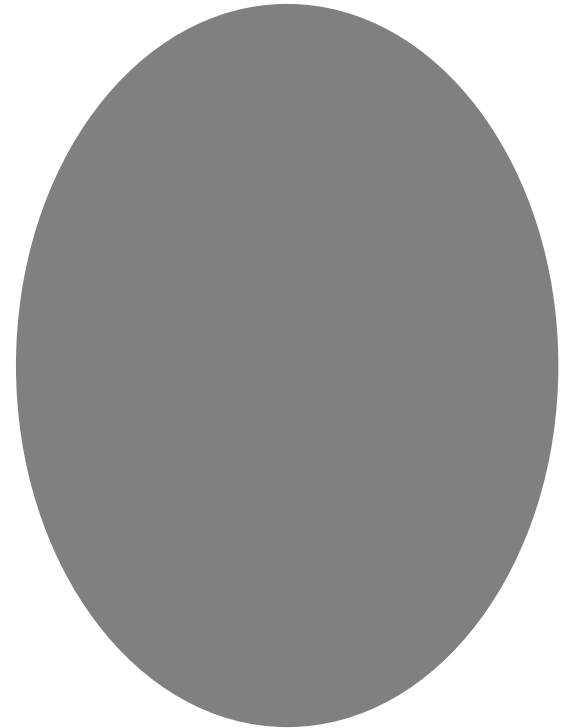
- Humility counts –be humble when you can and give credit where credit is due.
- Mutual respect is important – don't let things become personal.
- Successful council members promote the positive – this helps create positive relationships with other members, staff and rate payers.
- The municipality is a corporation – the council is the board of directors that must ensure that the corporation runs as it should and is successful.
- Staff are the people who implement the decisions that Council makes – council needs to make clear decisions so that the municipal workforce gets the job done and they can bring even more to the job.
- A council and its workforce that is working together well, often means higher employee retention rates and usually results in better candidates when positions open up.
- Being a good listener is one of the most important aspects of interpersonal communication. It is especially important for elected officials to always listen and to listen effectively.

Section 1 of the *Municipal Act, 2001* defines a municipality as a "geographic area whose inhabitants are incorporated".

Section 2 of the Act states that "municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction, and each municipality is given powers and duties under the act and many other acts for the purpose of providing good government with respect to those matters".

In other words, municipal governments derive their power from legislation set by the provincial government and sometimes by the federal government.

The Power and Influence of Municipal Government



The Power and Influence of Municipal Government

Even though there is a "power hierarchy" in the governmental structure (Federal, Provincial, Municipal), most municipalities see themselves as an order of government that is the closest to the public. Municipal councils can often see national and international issues come to council from different groups or because there is an impact.

Because municipal Council is so close to the public, constituents will often see their municipal government as the first place to take their concerns, even when those concerns fall outside of the municipal government's jurisdiction.

For municipal governments, a fundamental consideration is their constitutional position. The *Constitution Act, 1982* states that provincial governments have the exclusive right to pass laws respecting municipal institutions.

Because municipalities are provincial creations, they generally only do what they have been authorized to do by the provincial government.

A number of general consequences follow from this:

The Power and Influence of Municipal Government

01

A provincial government would give a municipality only those powers that it may exercise itself within the division of federal and provincial powers under the Constitution.

02

A municipal bylaw may not override or conflict with a provincial statute.

03

If a municipality takes action for which it does not have statutory authority, or that exceeds the limits of its authority, the courts could quash the action as being "*ultra vires*", (i.e. beyond the powers of the municipality).

Meetings are Public

Meetings take up a lot of municipal council member's time. They can happen at any time of day, including evenings and they all require some degree of preparation.

The types of meetings that a council member attends include:

- Council meetings – which are open and some municipalities broadcast on local media outlets or webcasts.
- Committee meetings – where public delegations are often taken.
- Closed meetings (in camera) – Section 239 (2 through 6) of the *Municipal Act* describes the circumstances and requirements around when a municipal council may meet in a closed session.
- Other public meetings – for example, where council holds a policy consultation meeting such as changes to a bylaw related to licensing, local improvements, municipal budget/fee consultations, or as directed by legislation such as the *Planning Act*.

Public Meetings – What Are the Rules?

All meetings that municipal council members attend are governed by rules.



Each council must have a procedural bylaw in place to guide its meeting from start to finish. It will set out when and how notice of the meeting occurs, among other matters. The guiding principle for such a bylaw is: Everyone has the right to participate in discussion if they wish, before anyone may speak a second time. The most common set of rules used is Robert's Rules of Order.

Whatever rules or bylaws are used to govern meetings, the council member must be aware of and know the rules before entering a meeting.

It is the role of the municipal clerk to describe the rules prior to the beginning of the meeting.

Public Meetings – Things to Consider

For members of municipal council or council committee, a public meeting is the place to listen to the ideas and concerns of rate payers. It is not the place to campaign, speak on the issue, or to make promises.

In public meetings, council members are in the Representative role – listening to what is being said so that they can make a decision that is best for all rate payers.

The Municipal Act

The purpose of the *Municipal Act* is as follows:

Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters."

The Act sets out the powers of municipal council, which are derived from various provincial statutes. It also describes what powers shall be exercised by council.

The Authority of Municipal Government

The *Municipal Act* is a key piece of legislation that governs what a municipal government may and may not do. It describes three "tier" of municipalities:

- **Upper tier municipality** (region or county) – means a municipality of which two or more lower tier municipalities form part for municipal purposes.
- **Lower tier municipality** – means a municipality that forms part of an upper tier municipality for municipal purposes.
- **Single tier municipality** – means a municipality other than an upper tier municipality, that does not form part of an upper tier municipality for municipal purposes.

It is normal that the head of council of a lower tier municipality sits on the regional or county (upper tier) municipality.

Transparency of the decision-making process

The majority of council business is discussed in public open meetings. These meetings include:

- Council meetings
- Committee meetings
- Meetings of municipal agencies, boards and commissions

Closed meetings (in camera) are permitted only under special circumstances. There may be an item on the agenda that closes that portion of the meeting to allow it to be discussed. You can only discuss that item and can only give direction to staff in these meetings – you cannot make a decision. A decision must be made in public.

Section 239 (2) of the *Municipal Act* provides for the exceptions to the requirement for open public meetings.

The Councillor as an Individual

Every municipal council member is a public figure and so, almost everything they do is public knowledge.

Under the *Municipal Freedom of Information and Privacy Act* the public has a right to access correspondence of council members. This includes all municipal records and all types of correspondence including email.

The word "institution" is important as a municipality is an institution and is in custody of all information produced in its workings, including the correspondence of council members.

The key message to council members is, "Don't say or write anything that you would not say out loud in public." (This is also a good rule to keep in mind when using social media).

The Councillor as an Individual and the Criminal Code of Canada

The behaviour of council members can also be subject to criminal prosecution.

In other words, it is illegal for a person to try to buy their way into municipal office. The penalty for this indictable offence is a prison term not exceeding five years.

Remember – you are swearing this Declaration. All of it is important. However, you will note in the third statement, the phrase, "pecuniary interest, direct or indirect" is key to identifying whether a Council member has a conflict of interest issue.

Every member of municipal council is sworn into office by a Declaration of Office, which reads:

- 1. "I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability."
- 2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
- 3. I will disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.

Declaration of Office

The Municipal Conflict of Interest Act

The *Municipal Conflict of Interest Act* provides direction on the personal obligations of Council members regarding instances of conflict of interest and governs their conduct in meetings.

The Act does not apply to staff members.

The Act also describes the Statutory Duties of Council members regarding pecuniary interest. Members must:

- 1. Disclose the interest and its general nature
- 2. Not discuss or vote
- 3. Not influence the vote
- 4. Leave a closed meeting

The fifth statutory duty sets out the obligations of a Council member who is absent from a meeting where an issue in which he or she has pecuniary interest is considered by Council.

If a member has a pecuniary interest in a matter that is before Council, that member has 5 specific duties:

1. Declare the pecuniary interest
2. State the general nature of the interest
3. Do not influence other members before, during or after the meeting
4. Do not participate in the discussion
5. Do not vote

Statutory Duties of Council Members – Summary

Pecuniary Interest – The Roles of Others

We've spent some time discussing your role in avoiding conflict of interest. Now, let's examine the role that others play in ensuring that Council members are acting in good faith.

Other Councillors

- Check with other councillors to ensure that they know and understand what issues are on the meeting agenda – "have you looked at this"?

Head of Council

- The Head of Council should be made aware of any potential conflict of interest (pecuniary interests) prior to the meeting.

Courts

- Court action can be brought against a council member by an elector.



Things to Know and Practice



The following advice comes from a veteran municipal council member:

- Keep balance in your life particularly with your family.
- Be prepared to earn much less than in the private sector.
- Be prepared to deal with many more complex issues with no simple answers.
- Understand that business is conducted in public and you will always have critics – you and your family will need a ‘thick skin’.
- Be patient as the pace of decision-making is much slower.
- Understand that to give good customer service you must learn to make many more small decisions than big ones.
- Form good relationships with staff to get good things done – even letting them introduce your ideas.

Conclusion

You have been provided with an overview of what you need to know to begin your candidacy and what you should know before you decide to run for municipal office.



Remember, the job of a member of municipal council can be intimidating and frustrating at times. It consumes a lot of time and effort, but it does have its rewards.

Thank you

*On behalf of the Almaguin
Highlands Clerks Group*