

Cape Breton Regional Municipality

Special Council Meeting

AGENDA

TUESDAY, APRIL 15, 2025

2:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

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Special Council Meeting Agenda
April 15, 2025 (Cont'd)

Cape Breton Regional Municipality

Special Council Meeting

**Tuesday, April 15, 2025
2:00 p.m.**

Council Chambers – City Hall

AGENDA ITEMS

Land Acknowledgement

Roll Call

1. **APPROVAL OF AGENDA:** (Motion Required)
2. **PRESENTATIONS:**
 - 2.1 **Municipal Government 101:** Ross MacDonald, Department of Municipal Affairs Advisor (See page 4)

ADJOURNMENT

Municipal Government 101

Cape Breton Regional Municipality

April 15, 2025

Governance and Advisory Services
Department of Municipal Affairs

Agenda

- Setting the Stage
- Roles Part I: The Role of Council
- Institutional Leadership: The Mayor or Warden and the CAO
- Roles Part II: Municipal Staff
- The Municipality Revisited: Bringing it all together



Setting the Stage

Government in Canada

- Federal
 - National Defence; regulation of trade and commerce; foreign policy; currency; banking; immigration and citizenship; patents; copyrights; the Criminal Law; etc.
- Provincial
 - Health care; education; administration of justice in the province; development, conservation and management of non-renewable natural resources and forestry resources in the province; development, conservation and management of sites and facilities in the province for the generation and production of electrical energy; roads; municipal institutions in the province; etc.
- Municipal
 - Recreation; roads; waste management; water and sewer; policing and fire protection; libraries; etc.



Municipal Government in Nova Scotia

- Elected local government was first introduced in Nova Scotia in 1841 with the incorporation of Halifax
- The number of municipalities in Nova Scotia continues to shift:
 - Bedford incorporated as a town in 1980
 - CBRM, HRM and Queens were regionalized in 1995/96
 - Bridgetown, Canso, Hantsport, Parrsboro, Springhill have all dissolved since 2012
 - Windsor and West Hants voluntarily consolidated effective April 1, 2020 (First consolidation since Queens in 1996)
- In Nova Scotia, all municipalities (except HRM) & villages derive their authority from the Municipal Government Act (MGA)
- HRM is subject to the provisions of the *Halifax Regional Municipality Charter*

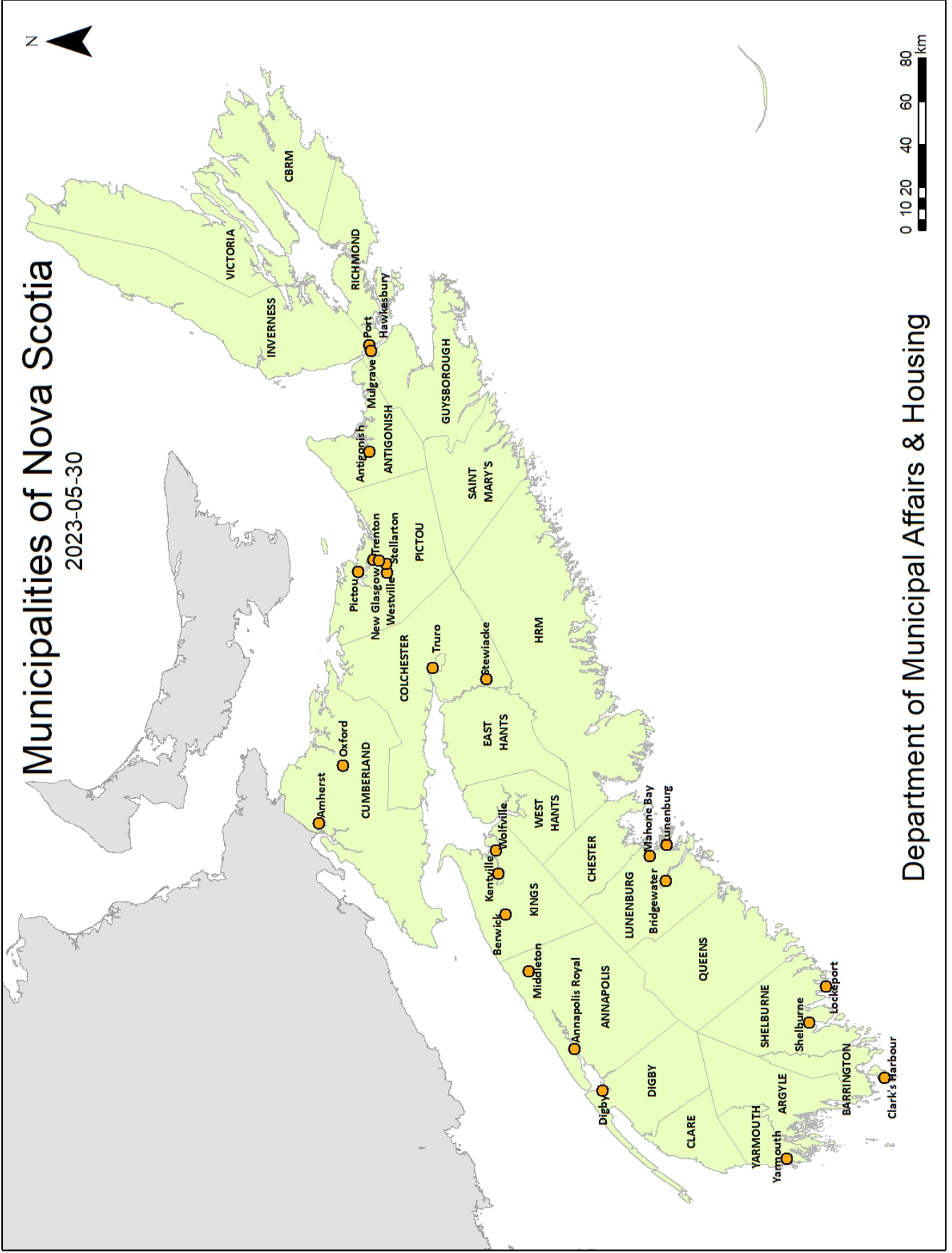
Municipal Unit Breakdown

- 49 Municipal Units in Nova Scotia (does not include villages)
 - Regional Municipalities (4) – CBRM, HRM, Queens, Windsor/West Hants (2020)
 - Rural Municipalities (20) – District of Lunenburg, Kings County, District of St. Mary's, etc.
 - Towns (25) – Mahone Bay, Lunenburg, Kentville, Truro, etc.
 - Villages (21) – Bible Hill, Chester, New Minas, etc.
- Rural vs Town – Towns own most roads within their boundaries
- Regional vs Rural – Regionals do not have any Towns or Villages
- Each type of unit has differing authorities and restrictions

z

A horizontal scale bar with tick marks at 0, 10, 20, 40, 60, and 80 km. The bar is divided into segments: 0-10 km is black, 10-20 km is white, 20-40 km is black, 40-60 km is white, and 60-80 km is black.

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Department of Municipal Affairs

- Municipal Government in Canada is enabled by provincial statute law.
- The Department sets the legislative framework, primary statute is the *Municipal Government Act*.



Municipal Government Act

- As a result of our constitutional structure, Municipalities are “creatures of statute” – legal entities that exist only through the legislation (statute) that creates them
- Enabling legislation
 - Provides authority and jurisdiction for local government
 - Came into effect April 1, 1999
- If a Municipality wants to take an action, they must find the authority to do so in legislation.
This includes:
 - Spending money (Bill 92, 2019)
 - Passing by-laws
 - Borrowing
 - Offering services

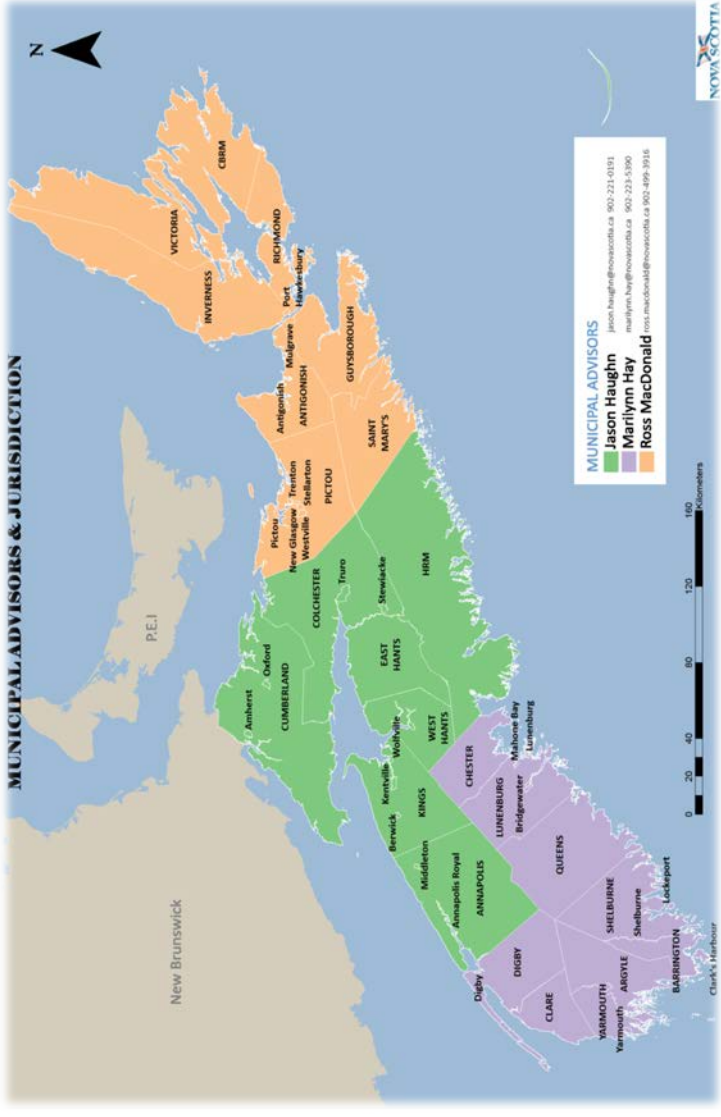
The Role of Municipal Services

- Work with municipalities to help create healthy and vibrant communities for Nova Scotians
 - Grants and Programs
 - Capacity Building
 - Support Services
 - Legislative Maintenance
- Also serve an oversight role
 - Review municipal financial statements and other filings
 - Planning requirements
 - By-laws requiring ministerial approvals
 - Education, training, advice



Role of Governance and Advisory Services

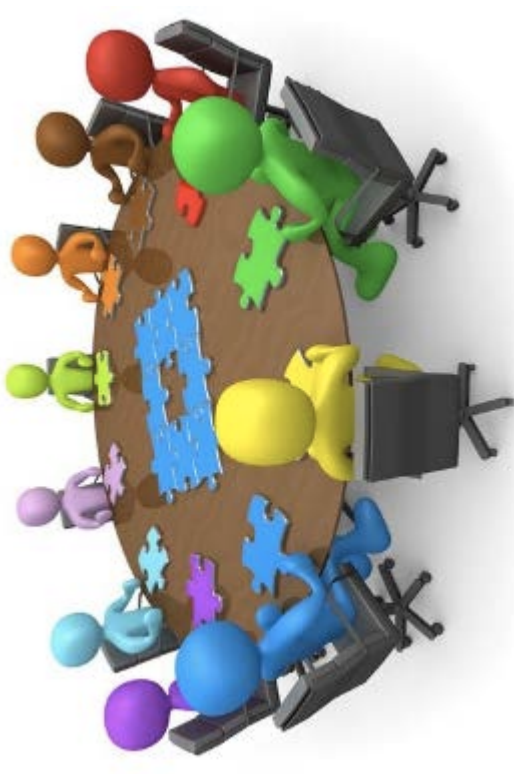
- Advice & Guidance
- Education & Training
- Navigation
 - Legislation & Regulation
 - Programs & Services
 - Subject Matter Experts
- Communication
 - Government Programs & Priorities
 - News Relevant to Municipalities
- Analysis and Recommendations regarding various Ministerial Approvals



Role of the Municipality

- Provide good government
- Deliver municipal services and provide facilities as council deems necessary
- Develop and maintain safe and viable communities.

***“Powers of a municipality
are exercised by the
council” – MGA 14 (1)***



Two Truths and a Lie...

1.

The Department of Municipal Affairs has a role in reviewing municipal financial statements and other submissions.

2.

In Canada, the authorities and responsibilities of the three levels of government are clearly articulated in the Constitution.

3.

In Nova Scotia, there are currently 25 Towns, 4 Regional Municipalities, 21 Villages, and 20 Rural Municipalities.

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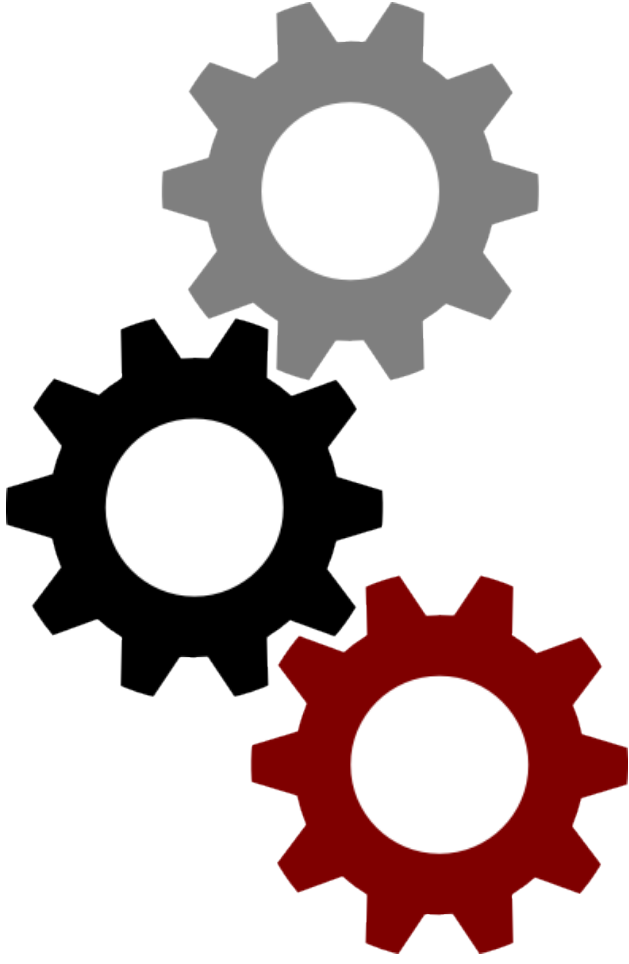
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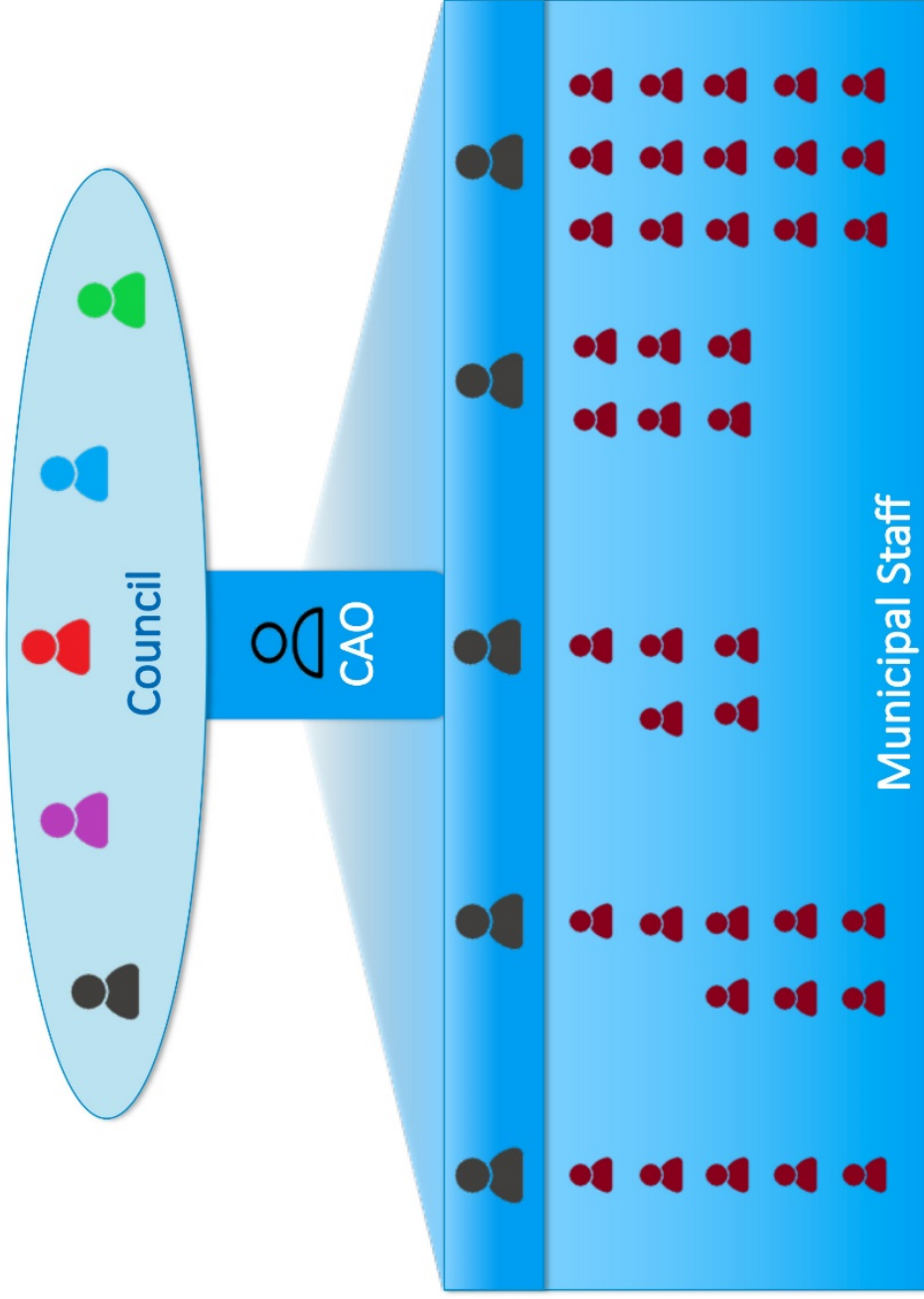
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Roles Part I: The Role of Council

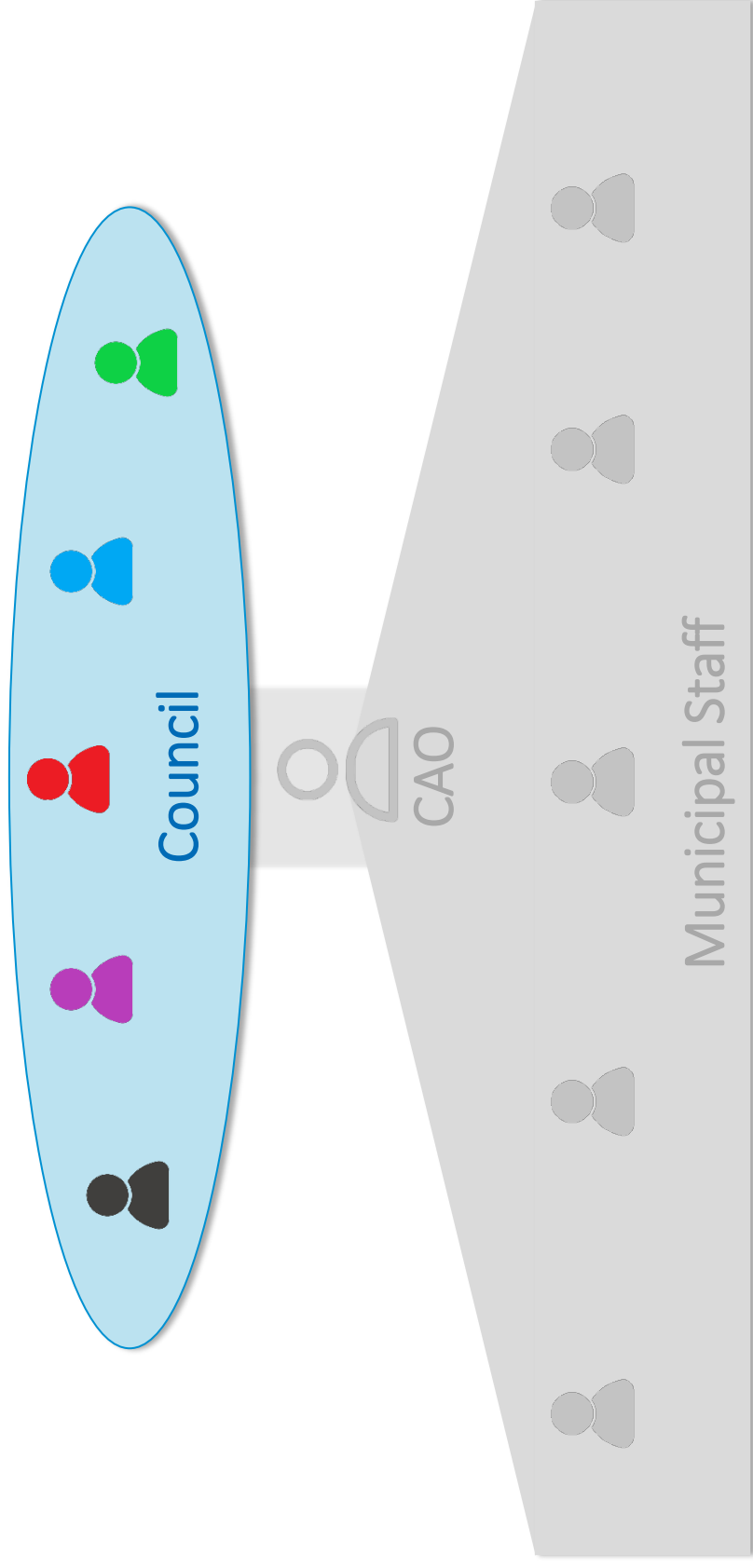
Governance – Where Do I Fit?



Municipal Government is a system and for it to be effective, you need to find where you fit and be comfortable with your role.



Role of Council



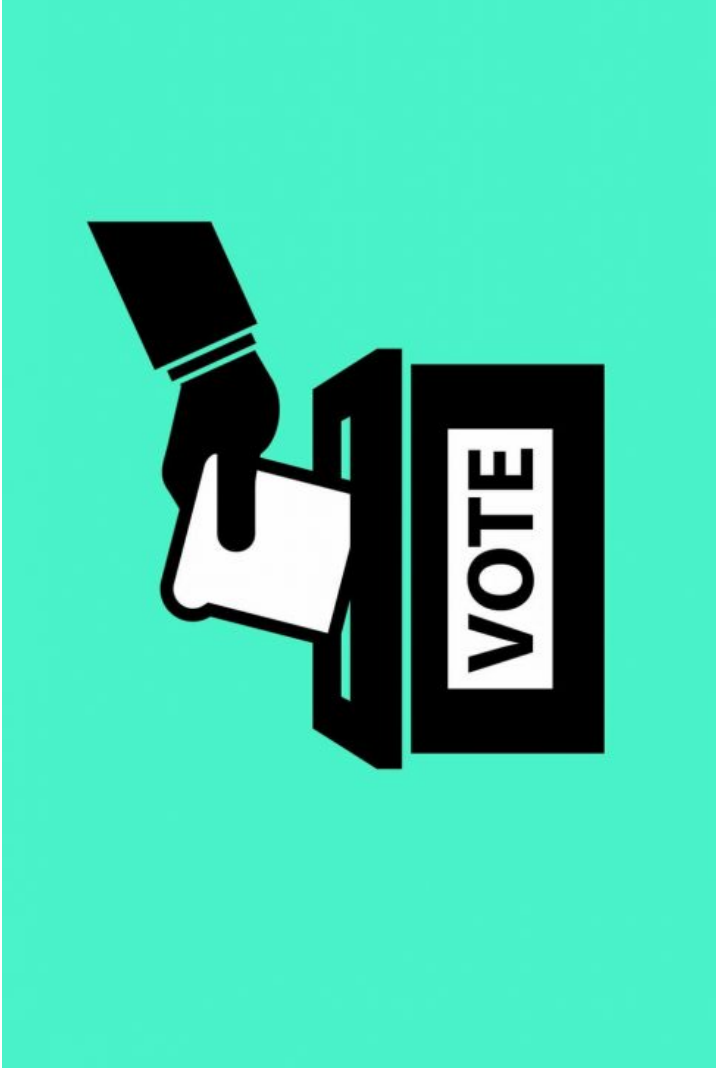
The Public Trust

“Only someone who is elected is vested with the power to establish or reverse policy; this is a public trust and not one that could be delegated to those who have not been elected to represent people.” – George Cuff



- The ultimate source of Council’s authority comes from the citizens.
- Elected officials are the link between the entire population of your municipality and the staff at your organization.
- Elected officials have earned the right to represent their community.

Governance and the Public Trust



- Bottom Line: Council governs, and governs as a collective, while staff manages.
- The role of Council is one that cannot be fulfilled by other people. Council has been given the public trust to make certain decisions and to govern as a collective.
- Council will be most effective if they understand and put into practice their role in governance.

The Link

- Listen carefully to their constituents.
- Challenge assumptions.
- Bring their unique lens to the evidence, analysis, and options put forward by municipal staff.
- Council will sometimes need to make well- considered decisions based on the information available.



Governing Together

The role of Council is to govern, and to do so as a collective.

- Decision-making and oversight
- Strategic direction
- Corporate level financial planning
- By-laws and policies

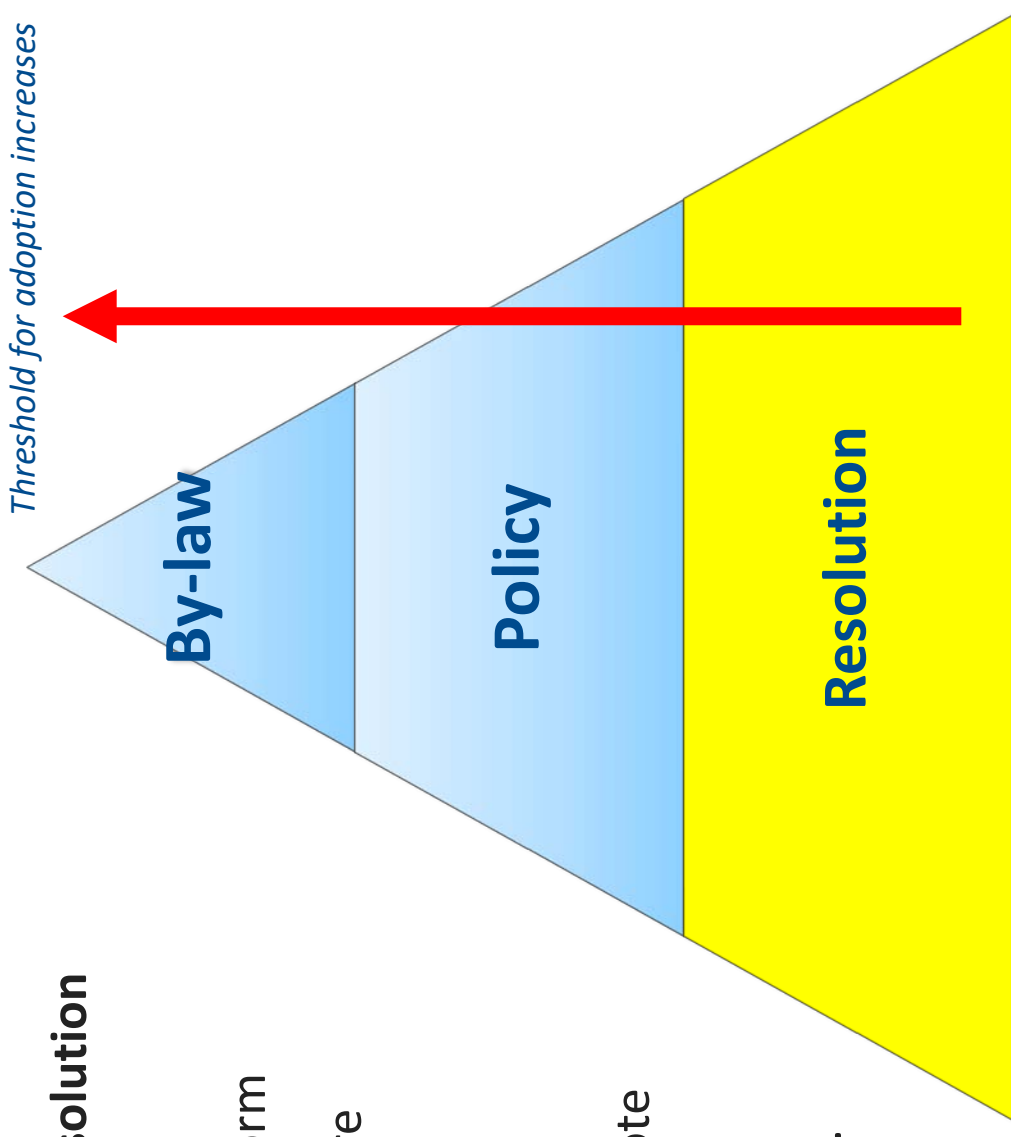


As a collective, it is Council's role to "outline the organization's purpose, values, and structure. Governance decisions should provide guidance, not explicit instructions for management." – James Ridge

By-Laws, Policies and Resolutions

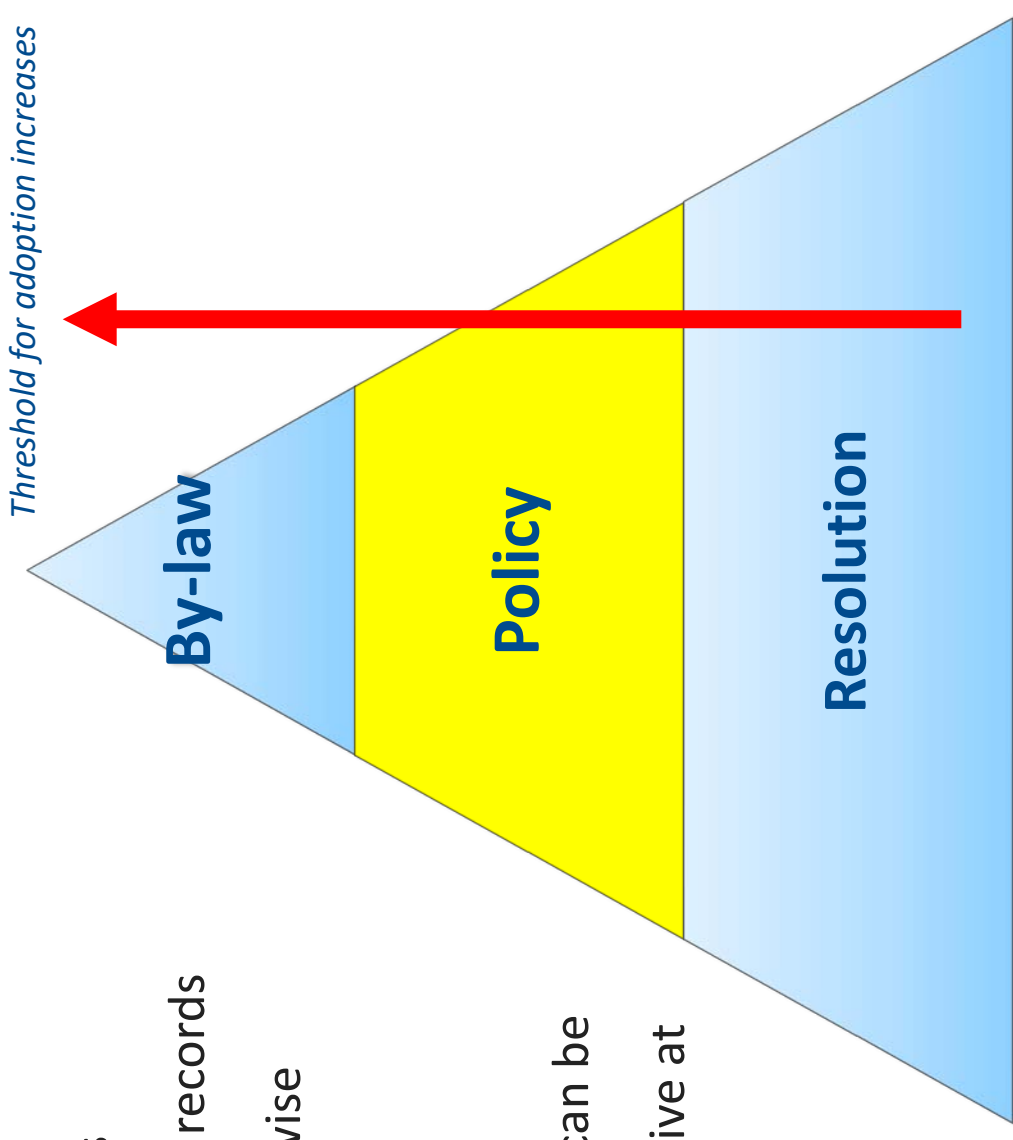
Councils must make decisions by **by-law, policy, or resolution**

- A **Resolution** is a decision of council, often in the form of a motion. It may also be a more formal “therefore be it resolved” format if required or preferred.
- Most often a resolution is adopted by a majority vote however there may be requirements for previous notice or a higher threshold than a simple majority.



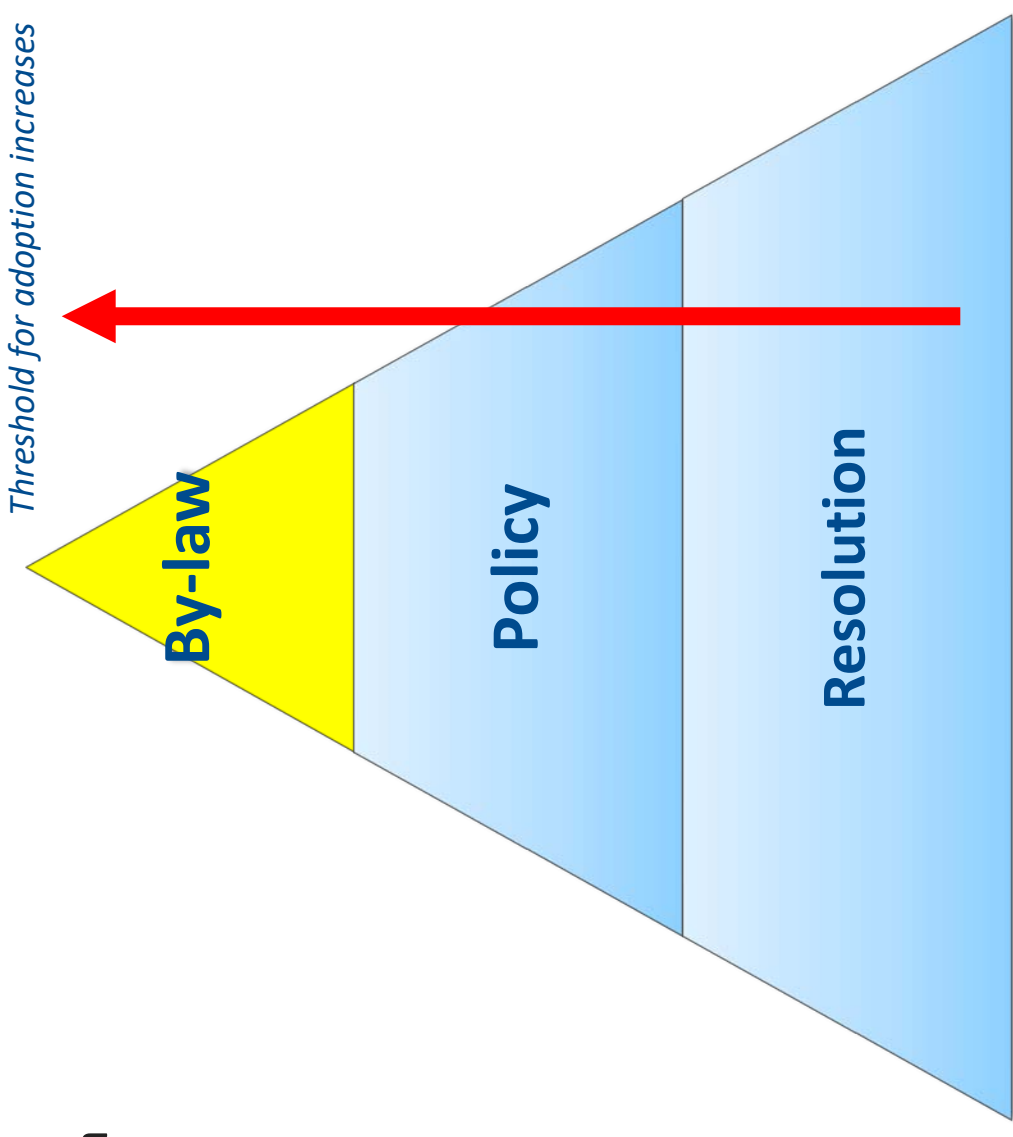
By-Laws, Policies and Resolutions

- A **Policy** is defined as a resolution of council that is required by the *MGA* to be recorded in the by-law records of a municipality, except where the context otherwise requires.
- A council policy requires specific notice: before it can be adopted, amended or repealed, the council shall give at least seven days notice to all council members.



By-Laws, Policies and Resolutions

- A **By-law** is a public regulatory law that applies in a specific geographic area.
- A municipal by-law cannot override provincial legislation.
- By-Laws must be passed by Council and follow the procedural requirements mandated by the *MGA* (sections 168 & 169).

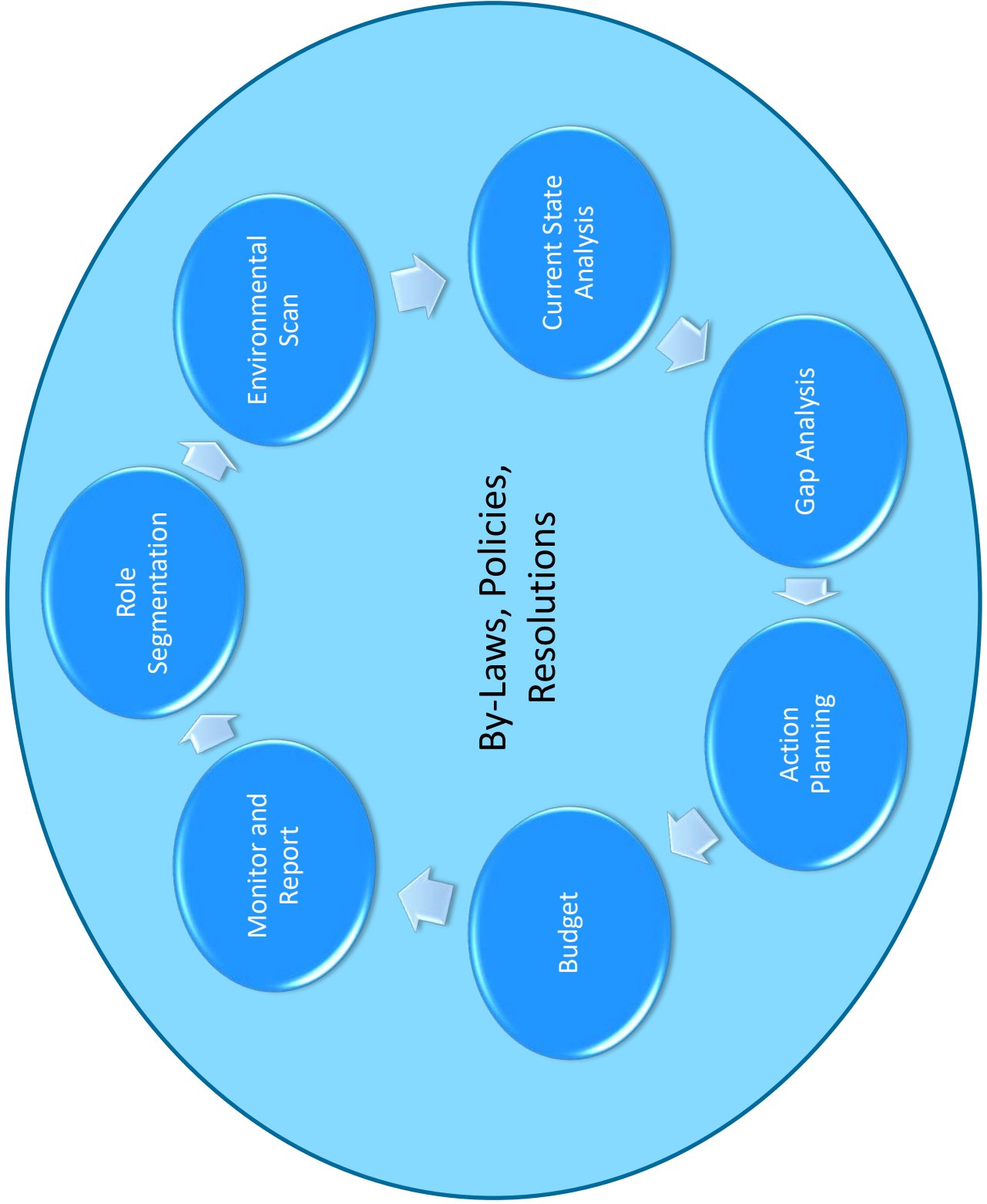


Governing in Action

To be effective, Council should have a strong understanding of the items that are within their authority, and in which category they fit:

- Strategic
- Core
- Supporting
- Mis-aligned





Who should a Councillor talk to if:

- they have been contacted by a potential investor or developer looking to come to your area?



Who should a Councillor talk to if:

- a resident complains to them about a proposed wind turbine near their cottage?



Who should a Councillor talk to if:

- they have concerns about the CAO's performance?



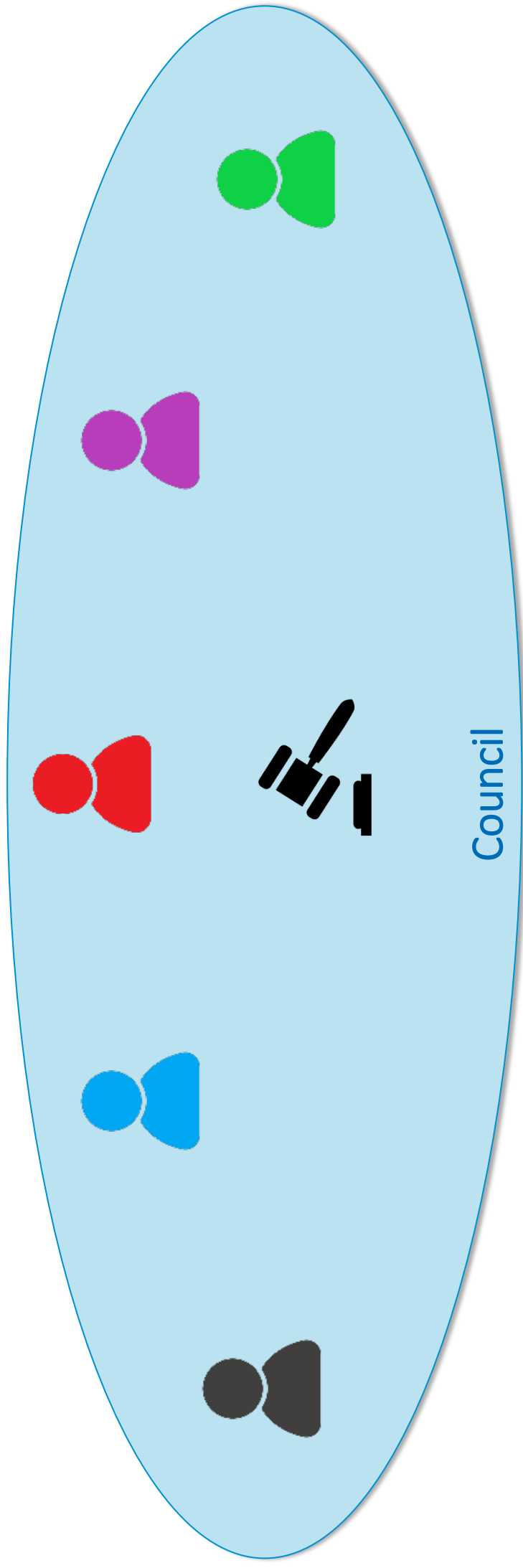
Who should a Councillor talk to if:

- they want to know why their constituents' street hasn't been plowed?



Institutional Leadership: The Mayor or Warden and the CAO

The Mayor and Warden in Council



Preparation, Guidance, Leadership

“Mayoring is about Leadership”

- The Mayor/Warden has a unique relationship with the CAO in the preparation of the agenda.
- There is also a role to play with the CAO in “monitoring the administration and government” of the Municipality.
- Mayors and Wardens must provide leadership to a group of people they’ve had no role in choosing.



Institutional Leadership

The Chief Administrative Officer (CAO) is the institutional link between both worlds

The CAO:

- provides support and advice to Council
- ensures execution of Council's initiatives and policies
- is the head of the entire administrative structure
- advises Council when acting outside its legislative authority



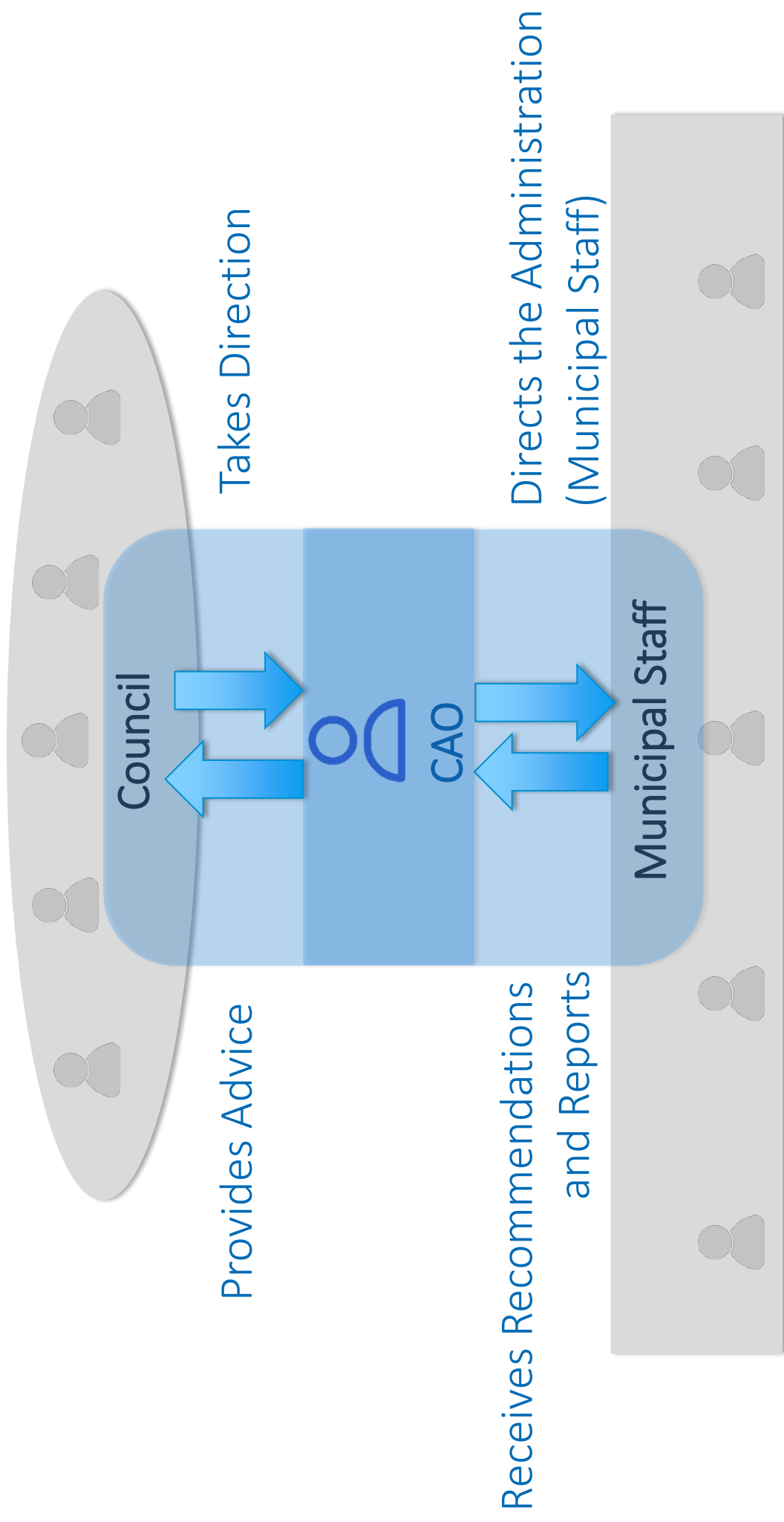
The Face of Council

In addition to the duties set out in the MGA, the Mayor/Warden is often the face of Council

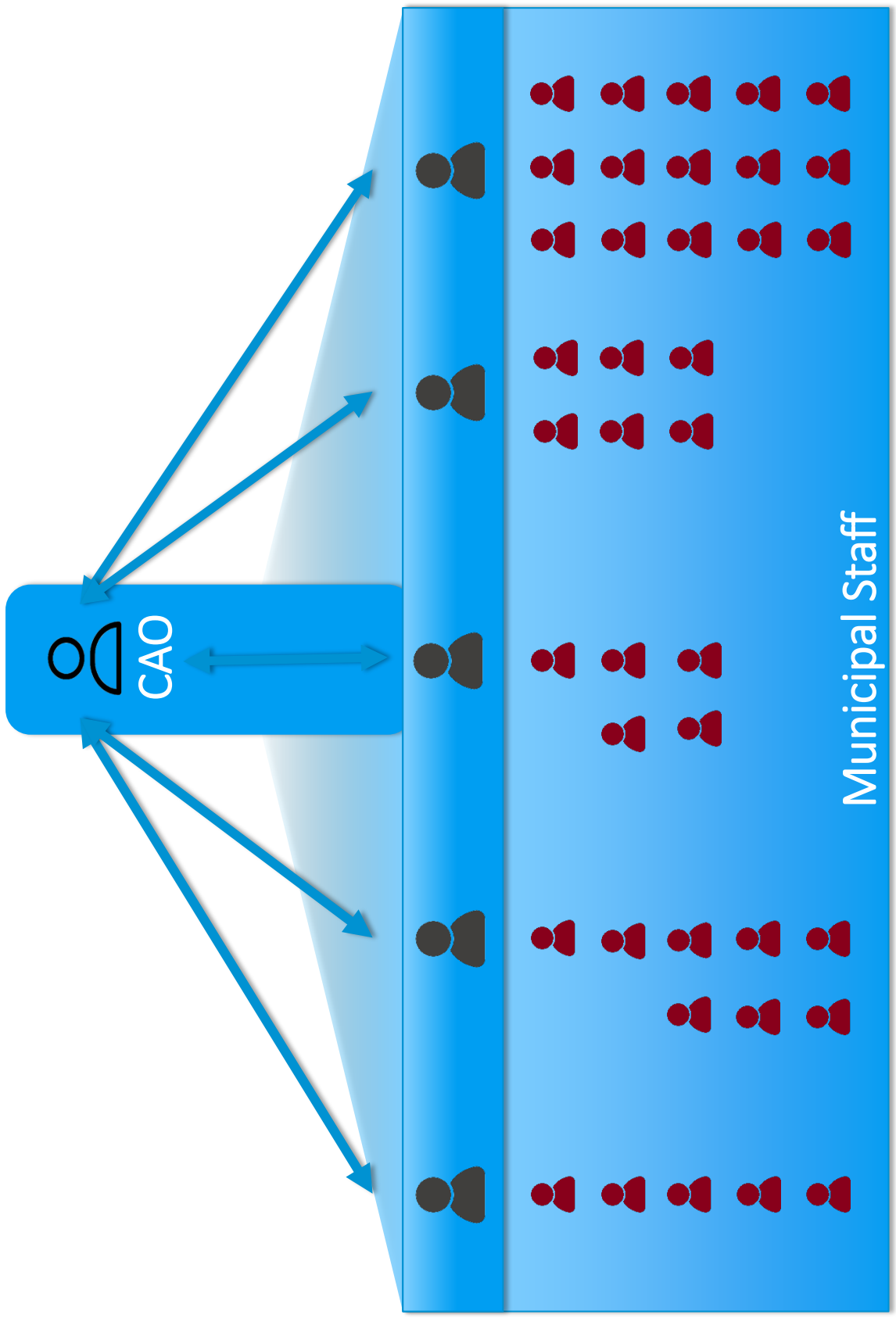
- Media Spokesperson
- Other Councils
- Intergovernmental
- Correspondence



The Chief Administrative Officer

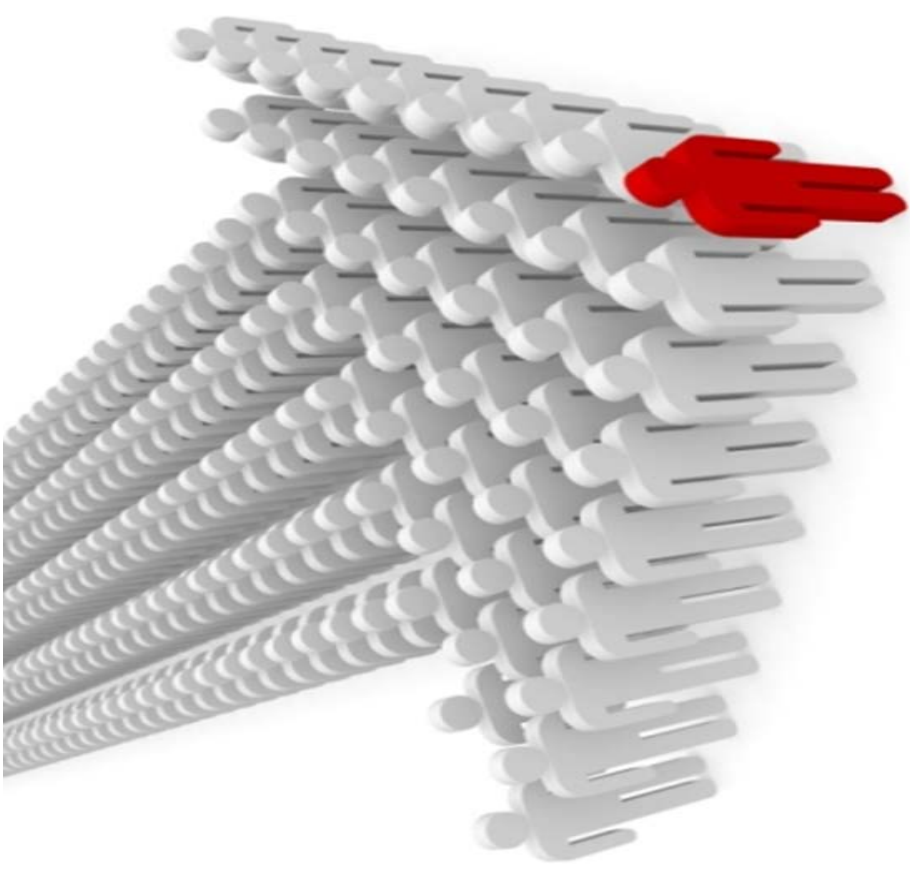


Roles Part II: Municipal Staff



Municipal Staff

- Work under an organizational structure
- Ultimately, all municipal staff take direction from —and are accountable to— the CAO.
- “No council member, committee or member of a committee established by the council shall instruct or give direction to, either publicly or privately, an employee of the municipality.” MGA, 30(4)



THIS OR THAT ?

Information or Direction?

- Councillor asks how your municipal tax burden compares to similar municipalities



Information or Direction?

- Councillor sends photos of potholes to the Director of Public Works



Information or Direction?

- Councillor sends photos of garbage in a park with the message “take care of this, please”



Information or Direction?

- Councillor asks for a copy of your municipal planning strategy



Information or Direction?

- Councillor requests a survey be conducted in their District to gauge how the residents feel about current by-laws in the municipality

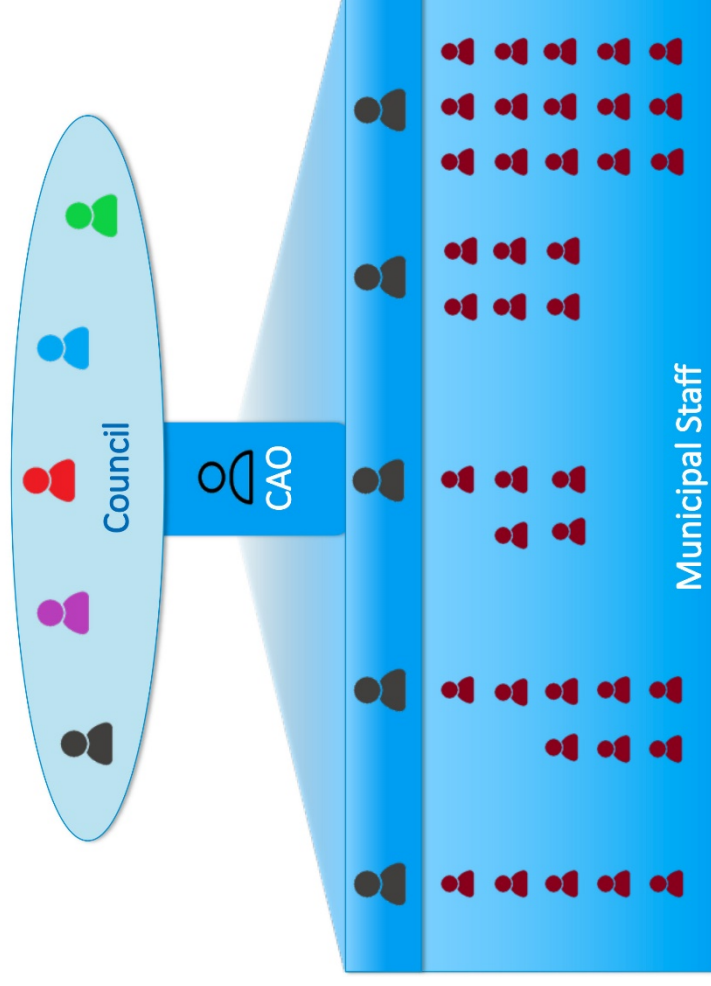


The Municipality Revisited: Bringing it all together

Governance – Where Do I Fit?

Elected Officials

- Leads the system of government
- Sets policy and strategic direction
- Decides
- Articulates the path forward
- Plans broadly

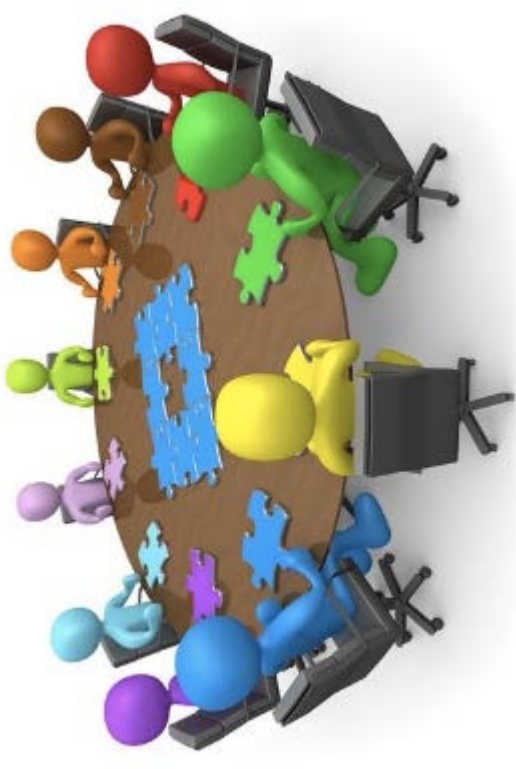


Municipal Staff

- Advises on policy and direction to be approved
- Ensures intended progress is occurring
- Advises
- Devises the means to get there
- Implements day-to-day

Noteworthy Items

- Code of Conduct
- In-Camera
- Accessibility
- Welcoming Communities / Diversity, Equity and Inclusion
- Conflict of Interest
- Lunch and Learn Series



Disclaimer

- Information contained in the presentation is considered accurate to the date on the title slide, changes may occur after that date.
- Any errors or omissions are solely the responsibility of the person presenting.
- This presentation, and the related discussions, is **not legal advice nor is it a substitute for same.**



