

# Newly Elected: Local Government Law

## Local Government Leadership Academy

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# A. Legislative Framework of Local Government

- \* Municipalities and Regional Districts – Creatures of Statute
- \* Community Charter
  - \* Municipal governance
  - \* Sets out majority of municipal powers
  - \* Financial management requirements, municipal revenue and bylaw enforcement
  - \* Fundamental powers list in s. 8(2) and (3)
  - \* Areas of concurrent authority
  - \* New concept – natural person



- \* Local Government Act

- \* Regional district governance and powers

- \* Election procedures

- \* Legal proceedings and challenges to bylaws

- \* Part 26 – Planning and Land Use Management


## B. Municipal Governance

- \* Council as Governing Body of Municipality
- \* Exercise of Council Powers – Bylaw or Resolution
  - \* Act or proceeding of council not valid unless authorized or adopted by bylaw or resolution at a council meeting
- \* Voting – affirmative duty to vote if present
- \* Quorum –majority of members of council
- \* Maintaining Order
- \* Compelling Witnesses
- \* Meetings May be Held Outside the Municipality
- \* Electronic Meetings



## \* Open Meeting Requirements

- \* Presumption in favour of open meetings
- \* Council must state by resolution meeting to be closed and basis for closed meeting
- \* Limited number of matters that must be considered in a closed session
- \* Under s. 90(1) there is a larger number of matters that may be considered in a closed session
- \* “democratic legitimacy does not depend solely on periodic elections”
- \* Decision making process must be transparent and accessible

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- \* Procedure Bylaw Compliance
  - \* Mayor's Responsibilities – s. 116
    - \* “head and chief executive officer”
  - \* Responsibilities of Council Members
  - \* Elector Assent and Alternative Approval Process
    - \* AAP – opportunity to submit elector response forms from at least 10% of the electors
  - \* Notice Requirements – Disposition of municipal property
  - \* Notice of Intention to Provide Assistance

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- \* Delegation
  - \* Officers and Employees
    - \* Only two officer appointments mandatory:
      - \* Corporate officer
      - \* Financial officer
    - \* May appoint chief administrative officer

# C. Municipal Regulatory Powers

- \* System of Licences and Permits
- \* Authority to Discriminate
- \* Part 26 overlap
- \* Regulate in Relation to Business, but not Power to Prohibit
- \* Reasons for Regulating May be Required
- \* Business Licencing



# D. Corporate Powers


- \* Natural Person Powers for Municipalities
- \* Community Charter – Additional procedures and requirements re: exercise of corporate powers
- \* Indoor Management Rule
- \* Fettering
- \* Municipal corporations
- \* Assistance

# E. Municipal Finance

- \* Liability Limitations
- \* Approval Exemption
- \* Unlawful Expenditures
- \* Personal Liability
- \* Disqualification from Office

## F. Court Supervision of Local Governments

- \* Standard of Review
- \* Interpretation of Municipal Enabling Legislation
- \* Bad Faith – Improper Purpose
- \* Judicial Review of Tender and RFP Decisions
- \* Discrimination
- \* Vagueness and Uncertainty
- \* Fettering

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- \* Inconsistency with Provincial Legislation
  - \* Procedural Fairness
  - \* Bias
  - \* Liability – Claims for Damages
    - \* Immunity from liability
    - \* Indemnification
    - \* Abuse of Office