







Top 10 Things – continued

- 2. Municipalities creatures of the Province
 - only powers delegated by Province
 - bylaw/resolution must be within powers or ultra vires
 - Community Charter, Local Government Act, over 100 other statutes apply
 - Community Charter expanded powers, amplified by recent SCC decisions

Lidstone & Company

Top 10 Things – continued

- Community Charter
 - powers
 - procedures
 - taxation/budgets/collections
 - public participation
- Local Government Act
 - elections
 - creation of municipalities
 - land use and planning

Lidstone & Company

Top 10 Things - continued

- 3. Council decisions – only bylaw or resolution
 - municipal legal act – by council, or council delegation
 - council only act by bylaw or resolution
 - act by resolution unless Act says bylaw
 - bylaw or resolution only passed in "meeting"

Lidstone & Company

Top 10 Things - continued

- 4. Council may only act in a "meeting"
 - definition of meeting – *Hamilton, Ottawa, Kingston, Yellowknife, and London* cases
- issues – validity of bylaw, resolution
 - need notice, minutes, public access
- closed meetings
 - s. 90 cc
 - grounds
- regular vs. special meetings

Lidstone & Company

Top 10 Things - continued

- 5. Bylaws/resolutions may be attacked
 - constitutionality
 - Charter of Rights and Freedoms
 - ultra vires
 - bad faith
 - uncertainty
 - fettering
 - delegation
 - statutory

Lidstone & Company

Top 10 Things - continued

- 6. Council must comply with procedure
 - bylaws generally
 - remedial action
 - financial plan
 - local area service
 - zoning/OCP – public hearings/notice
 - procedural fairness

Lidstone & Company

Top 10 Things - continued

- 7. Roles of Mayor, Council and Staff
Statutory
 - Mayor - CEO
 - oversees implementation of law
 - communicates information to council
 - recommends measures
 - directs staff
 - suspend staff, subject to council

Lidstone & Company

Top 10 Things - continued

- roles continued – Mayor - continued
 - special meetings
 - reconsideration
 - order
 - expulsion
 - standing committees

Lidstone & Company

Top 10 Things - continued

- council members
 - collective not individual power
 - special meeting
 - consider well-being of municipality
 - contribute to measures
 - participate in meetings
 - carry out assigned duties
 - reconsideration

Lidstone & Company

Top 10 Things - continued

- roles - staff - statutory
 - CAO
 - Corporate Officer
 - Financial Officer
 - policy vs. administration
 - approving officer
 - termination

Lidstone & Company

Top 10 Things - continued

- 8. Powers are Statutory
 - only from statute or regulation
 - no inherent powers
 - corporate powers
 - service powers
 - regulatory powers
 - business, building, zoning
 - financial powers

Lidstone & Company

Top 10 Things - continued

- 9. Delegation of Authority
 - municipal powers are delegated by Province
 - municipality may only delegate further if authorized
 - may delegate to council member, committee, staff or body created
 - by bylaw - council powers other than bylaw-making, hearings, termination, remedial actions
 - Council reconsideration

Lidstone & Company

Top 10 Things - continued

- 10. Be Careful Voting on Money Matters
 - Section 191 *Community Charter*
 - personal liability and disqualification
 - financial officers - defence
 - legal opinion – evidence of good faith
 - *Powell River* case

Lidstone & Company

Other Matters

- Approving officer
- Advisory planning commission
- Board of variance

Lidstone & Company

Question and Answer

"A great leader does not have all the answers but knows how to ask the right questions" – Alexandra Lidstone

Lidstone & Company
