

Introduction to the UMAAS Best Practices Manual



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Land Acknowledgement

MLT Aikins acknowledges that our offices are located on the territories of the Indigenous peoples who have occupied these lands since time immemorial, including the First Nations of Treaty 1 (Winnipeg), Treaty 4 (Regina), Treaty 6 (Edmonton and Saskatoon), Treaty 7 (Calgary), the Coast Salish peoples (Vancouver), as well as other non-Treaty First Nations and Métis.

We recognize that we benefit from the lands. We are dedicated to ensuring that the spirit of reconciliation is honoured and respected.

Agenda



Purpose and Objectives of Manual



Scope of the Manual



Walking Through the Manual

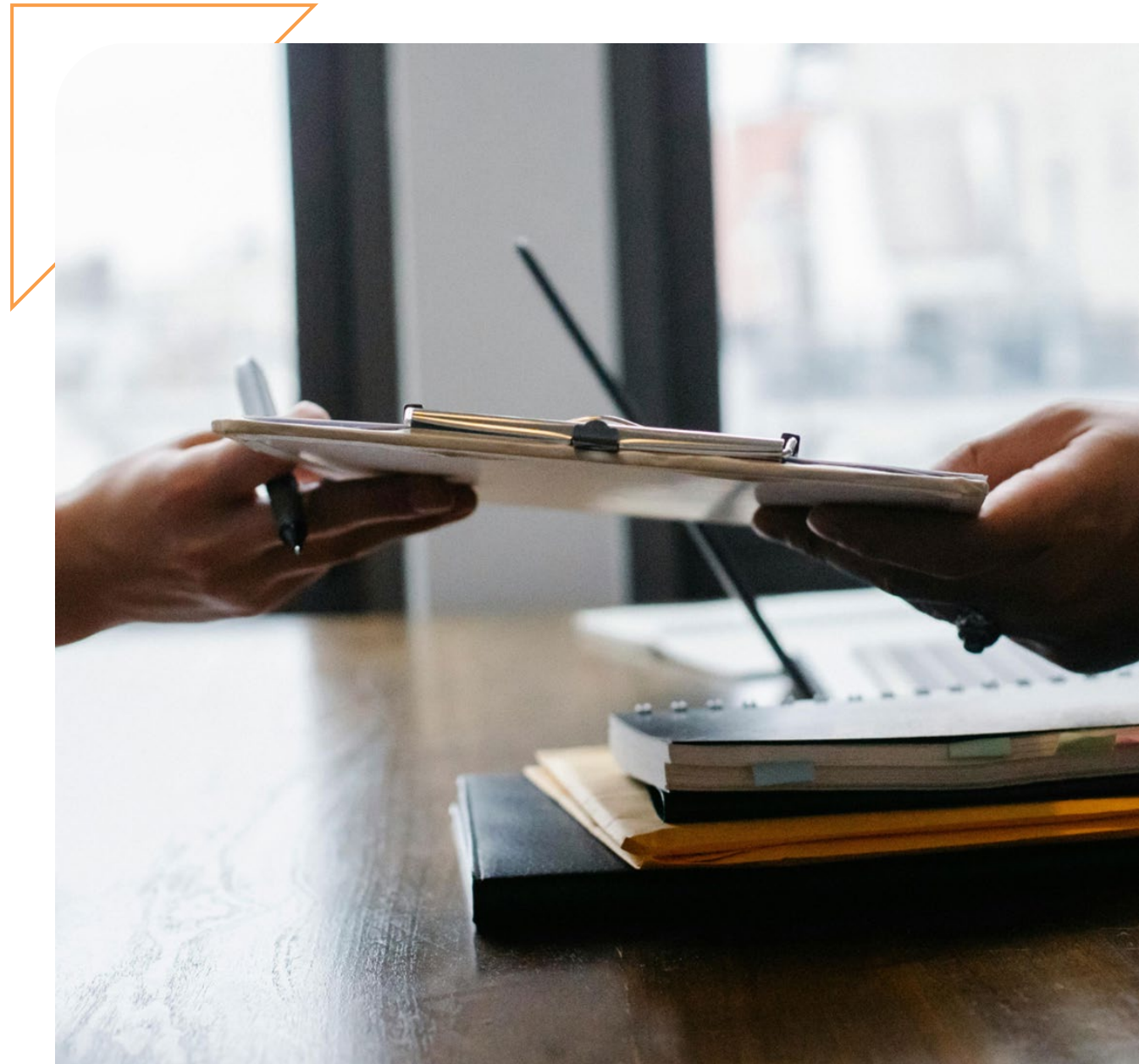
Why does this Manual Exist?

- Define best practices grounded in legislation and professional standards
- Provide clear, practical guidance for day-to-day administrative decision-making to promote:
 - 1) Consistency across municipalities; and
 - 2) Professionalism in administration, accountability, and transparency
- A tool for municipalities:
 - Training resource for new administrators
 - Reference tool for experienced administrators and mentors

Topics Covered

The Manual is intended to be comprehensive and practice ready

The manual spans 26 topic areas, covering the full lifecycle of municipal administration



Parts 1-5

- Duties & authorities of administrators
- Council-administration relations
- Administration-public relations
- Governance matters
- Conflicts of Interest

Parts 6-10

- Code of Ethics
- Elections
- Procedures for meetings of council
- Passing & amending or repealing bylaws
- Policy & bylaw development

Parts 11-16

- Bylaw enforcement
- Financial matters
- Emergencies
- Procurement
- Municipal contracts
- Inter-municipal agreements

Parts 17-22

- Organized hamlets
- Streets and roads
- Road maintenance agreements
- Utilities
- Planning & development
- Saskatchewan Municipal Board

Parts 23-28

- Municipal boundary alteration
- Expropriation
- Taxation
- LA FOIP
- Judicial reviews
- Lawsuits

1. Duties and Authorities of Administrators

- Role and statutory duties under Section 111
- Financial and administrative authority
- Delegation, supervision and limits on authority
- Health, safety and training obligations
- Council relationship and accountability

IN THIS SECTION

Administrator Job Description and Administration Bylaw templates, plus general HR guidance.



1. Duties: Statutory Requirements

Section 111, The Municipalities Act

1

Records

Safe custody of all municipal records, documents and bylaws.

2

Minutes

Accurate minutes of council and committee meetings.

3

Implementation

Bylaws and resolutions administered as council directed.

4

Finance

Accounting records, financial reporting and audit duties.

1. Duties: Authority and Accountability

If it isn't written down, it isn't delegated.

- Record every delegation by bylaw, resolution, policy or written direction.
- Administrators cannot pass bylaws or set policy unless expressly delegated.
- Supervise staff and contractors per council policy, bylaws and legislation.
- Give impartial advice; document legal, regulatory and safety risk in writing.
- Certification, Ministry oversight and consequences for duties left unperformed.

Templates: Administrator Job Description • Administration Bylaw • HR guidance

1. Duties: Health, Safety, Training and HR



OHS compliance under the Employment Act and OHS Regulations, 2020



Current OHS program, harassment and violence prevention policies — posted



Health committee meeting regularly; incidents reported, investigated and documented



Written employment contracts; know termination with cause versus without cause



Train and supervise staff, keep contemporaneous records, seek legal advice early

2. Council-Administration Relations

- Appointment of the Administrator and Acting Administrator
- Council-Administration Covenant
- Delegation and Council Requests
- Post-Election Orientation
- Priority Setting and Strategic Planning

2. Council Relations: Appointment Rules

CITIES

The Cities Act

- Administrator appointed and certified under the urban framework

TOWNS • VILLAGES • RESORT VILLAGES • RMs

The Municipalities Act

- Rural certification runs through the RMAA Board of Examiners

Appoint by resolution

Title • Start date • Terms • Reporting line • Signing authorities

Certification: the UMAA bars unqualified persons from acting or holding out as an urban administrator; s. 110(5) allows acting permits. Qualification rests on the U of R Local Government Administration program or an equivalent.

2. Council Relations: The Council-Administration Covenant

COUNCIL COMMITS TO

- Set direction as a body — not as individual members
- Hold the administrator accountable; do not direct, hire, evaluate or bypass staff
- Raise concerns privately and ask questions in advance

THE ADMINISTRATOR COMMITS TO

- Run operations and implement council's decisions
- No surprises — timely, complete advice to every member equally
- Speak with one voice for the municipality

Shared commitments

Annual evaluation with a mid-year check-in, written feedback and a chance to respond

Escalation path: private conversation → facilitation → formal process

Templates: Council-Administration Covenant • Administration Employment Agreement

2. Council Relations: Delegation in Practice

OFTEN DELEGATED

- Day-to-day operations and service delivery
- Hiring and supervising staff
- Purchasing within council-set limits
- Administering and enforcing bylaws

RESERVED TO COUNCIL

- Passing bylaws and setting policy
- Approving the budget and tax rates
- Appointments the Acts assign to council
- Decisions that cannot be delegated by law

HANDLING COUNCIL REQUESTS

- Route requests through the administrator
- Information to one member is information to all
- Confirm scope and a realistic timeline
- Flag requests that displace priorities

Put delegations in writing — by bylaw, policy or resolution — and review them at the start of each term.

2. Council Relations: Post-Election Orientation

FIRST MEETING

- Swearing-in
- Appointments and signing authorities
- Meeting schedule
- Code of ethics

FIRST 30 DAYS

- Finances and the budget cycle
- Major services and contracts
- Capital projects
- Near-term decisions

FIRST 60–90 DAYS

- Strategic priorities
- Performance measures
- Committee workplans
- Training needs

Cover access and privacy early

Municipal business on a personal phone is still a record subject to access requests.

2. Council Relations: Priority Setting and Strategic Planning

3–6

term priorities

over a one to four year
horizon

- Outcomes, not activities — name the change, not the task
- Strategic, not operational — keep services running while naming what shifts, defers or stops
- Council selects and approves; administration supplies evidence, options and work plans
- Define metrics at the outset, report quarterly, refresh annually

Two predictable failures

Too many priorities, and priorities written as activities rather than outcomes. A priority without funding and staffing is not a priority.



3. Administration- Public Relations

- Why a Public Conduct Policy matters
- When the policy applies
- What constitutes unacceptable behaviour
- Who decides, and what restrictions are available
- Notice, appeal and privacy

Templates: Sample Public Conduct Policy · Employee Code of Conduct Policy

3. Public Relations: Scope and Tests

- **Where it applies:** meetings, phone calls, mail, email and social media.
- **Unreasonable:** conduct that compromises safety or wellbeing, or causes distress without justification.
- **Frivolous and vexatious:** frivolous means no serious purpose; vexatious means intent to harass, annoy or abuse the process.
- **Not vexatious:** criticism of council or staff, or disagreement with a decision, on its own.
- **Out of scope:** LA FOIP access requests follow their own process; call 9-1-1 for any immediate threat.

3. Public Relations: Restrictions and Fairness

1. **Identify the pattern** — apply the policy to repeated conduct, not one difficult request; a single serious or threatening incident is the exception and is acted on at once.
2. **Document** — staff log interactions, volume, behaviour and time used, and report unsafe incidents to the CAO.
3. **Decide** — the CAO decides restrictions; staff do not label behaviour, argue the point, or handle it alone.
4. **Limit** — restrictions must be temporary and the least restrictive measure that protects staff, such as a single point of contact.
5. **Notify** — the letter states the behaviour, restrictions, duration and reasons; the 10-day appeal period runs from the date the letter is received.

3. Public Relations: Council, Appeals and Privacy

- **Council's role:** consult the CAO about problem behaviour, then let the CAO administer any restrictions.
- **Step 1 — Warning letter:** for a first or less serious incident.
- **Step 2 — Restriction letter:** limited contact, a single point of contact, communication through the solicitor, or limited facility access.
- **Step 3 — Appeal:** Council may confirm, amend or rescind, must decide impartially and without pre-determination, and advises the individual of the Ombudsman. If no appeal is filed within 10 days, the restriction stands.
- **Review and records:** set a review date, lift the restriction once the conduct stops, and keep the letters and logs with the file.
- **Privacy:** share personal information internally only as far as needed to administer the restriction, and protect it under LA FOIP.

Exercise 1: The Resident Who Will Not Leave

Scenario

- A resident has come to the office daily for three weeks about the same drainage complaint
- Staff report raised voices, and one employee no longer feels comfortable working the front counter
- Council asks whether the municipality can simply ban the resident from the office

Questions

- What legislation is this best practice grounded in?
- What is the correct procedural response?

10 minutes at your table

Exercise 1: Debrief

Manual section:

- Administration-Public Relations — Unacceptable Behaviour; Possible Restrictions

Legislation:

- The Saskatchewan Employment Act — duty to protect workers from harassment and violence
- The Municipalities Act, s. 111 — the administrator's duty to manage operations
- LA FOIP — access requests stay outside the policy

Procedural response:

- **Answer to council:** no, not a ban
- A pattern exists — three weeks of daily contact
- Staff log interactions, volume, behaviour and time; unsafe incidents go to the CAO
- The CAO decides restrictions, not front-counter staff
- Temporary and least restrictive — a single point of contact
- Letter states behaviour, restrictions, duration and reasons; 10-day appeal

4. Governance Matters

Powers of council

Duties of council members

Remuneration of council members

Committees of council

Resignation of council members

Procedure to fill vacancy

4. Governance: What Council Can Do

- Council acts by bylaw where the Act requires it — otherwise by bylaw or resolution (s. 5(2)-(3)).
- Section 8(1) covers safety, public places, nuisances, transport, streets, business and utilities.
- Special powers: roads, vehicle routes, utilities and utility boards, business improvement districts.
- Housekeeping power: consolidating bylaws to keep the municipal record current.

BYLAW REQUIRED

Where the Act says so — a resolution will not do the job.

BYLAW OR RESOLUTION

Council's choice everywhere else — check the Act before the vote.

4. Governance: Limits and Finances

- Financial duties: budgets, capital works plans, investments, borrowing and loan guarantees.
- Council must adopt purchasing and fraud-reporting policies.
- Taxation powers: setting fees, penalties on unpaid taxes, permitted exemptions.
- Tax increment financing is available for qualifying development.

TWO HARD LIMITS

No firearms bylaws — that is federal jurisdiction.

Permit and licence fees cannot exceed the actual cost of administration and enforcement. Fees are cost recovery, not revenue.

4. Governance: Duties of Members

- Represent the public and weigh the interests of the whole municipality.
- Develop and evaluate policies, services and programs; attend council and committee meetings.
- Ensure administrative practices exist to carry out council's decisions.
- Keep private-session matters confidential until they reach a public meeting.
- Maintain the municipality's financial integrity.
- Often missed: records retention and disposal schedules; referendum petitions put to a public vote.

PUBLIC DISCLOSURE STATEMENT — KEY DATES

**Within 30
days
of election**

**Annually
thereafter**

**After a
declared
conflict**

**Within 30
days of
a material
change**

**As soon as an
error
is discovered**

4. Governance: Pay and Committees

- Council sets remuneration, benefits and expenses (s. 82).
- Members may join an existing employee pension or benefit plan.
- Council may establish committees and delegate powers to them.
- Common committees: HR, Finance, Public Works, Planning.

SECTION 127 — CANNOT BE DELEGATED

Bylaws · Public hearings · Budgets · Borrowing and loan guarantees
Records schedules · Purchasing policy · Tax exemptions or deferrals
Land below market value · Remuneration · BIDs · Wards commissions
Appointing or dismissing the administrator

4. Governance: Vacancies

- Resignations go in writing to the administrator, are irrevocable, and are reported at the next meeting.
- A disqualified member must resign at once — lost eligibility, conviction, or false nomination papers.
- Consult affected school divisions before fixing a by-election date.
- Appointing an acting mayor or reeve does not create a vacancy.
- If all seats are vacant or quorum fails, the Minister may appoint interim members.

FILLING A VACANCY



4. Governance: Five Templates

Council Indemnity Bylaw

Set remuneration, benefits and expenses.

Council Procedures Bylaw

How council meets, debates and decides.

Public Notice Bylaw

When and how the public must be notified.

Expenditure Authorization Bylaw

Who may commit municipal funds, and to what limit.

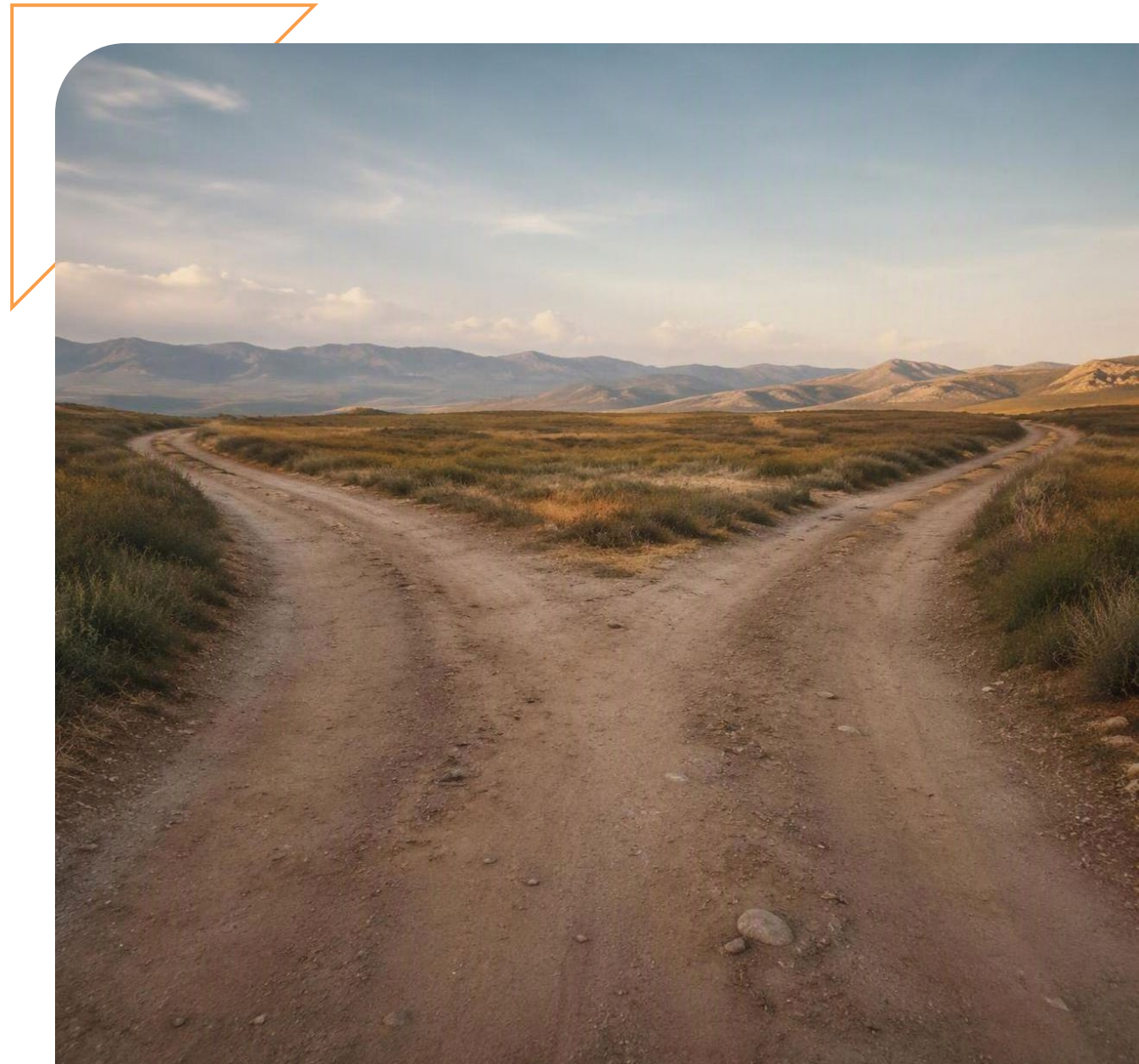
Public Interest Disclosure

A safe route for reporting wrongdoing.

All five live in Section 4 of the manual — adapt them, do not start from a blank page.

5. Conflicts of Interest

- Identifying Conflicts of Interest
- Declaring a Conflict of Interest
- Dealing with Conflict of Interest Allegations
 - Recommended Process



5. Conflicts: Identifying and Declaring

- Under s. 141.1 a conflict arises where a decision lets a member further private interests.
- A financial interest is always a conflict; personal and employment ties must be assessed carefully.
- No conflict if the interest is shared with the majority of voters, or is remote or insignificant.
- The objective test asks whether a reasonably well-informed person would see possible influence.
- Declare early, disclose the nature, abstain from voting, do not discuss, and leave the room.

5. Conflicts: Self-Assessment Checklist

- ☐ Before any discussion or vote, ask: do I, or someone close to me, have a financial or personal interest here?
- ☐ Can I act impartially and solely in the public interest?
- ☐ Would a fair-minded, informed person reasonably believe my private interest could influence my decision?
- ☐ Have I, or someone close to me, received money, gifts or benefits from anyone affected by this decision?
- If any answer is yes or uncertain, a conflict may exist - declare it and seek legal advice.

5. Conflicts: Allegations and Disqualification

- Declare the conflict each time the matter returns; declarations do not carry over to later meetings.
- Minute the declaration, nature disclosed, abstention from voting and withdrawal from the meeting.
- Give written notice with particulars, take written and oral submissions, deliberate in camera.
- A s. 144 breach disqualifies under s. 147(1)(e)(ii) and requires immediate resignation (s. 148(1)).
- Procedural fairness: inform the member, hear their response, consider it genuinely, and give reasons.

5. Conflicts: Disqualification and Removal

- Give the member an opportunity to resign voluntarily and to speak with legal counsel first.
- If they refuse, council may declare the seat vacant (s. 148(2)(a)) or apply to King's Bench (s. 148(2)(b)(ii)).
- The Court may declare the seat vacant, allow the member to remain or run again, or dismiss the application.
- A breach from inadvertence or honest mistake may be excused by the Court (s. 149).
- Provide written reasons; disqualification bars office for 12 years and a by-election follows within six months.

6. Code of Ethics

Every municipality must have a Code of Ethics Bylaw — or the Model Code applies by default.

- 1. Receive** — complaint in writing on the official form, reviewed by the CAO
- 2. Investigate** — independent, impartial and procedurally fair, reported in writing
- 3. Remedy** — remedies permitted by the bylaw; no permanent removal

6. Code of Ethics: Legal Requirements

Mandatory bylaw. Every municipality must have a Code of Ethics Bylaw covering all Council members, including the Mayor or Reeve.

Default applies. If no bylaw is enacted, the Model Code of Ethics in The Municipalities Regulations applies automatically.

Hard limit on remedies. A member cannot be permanently removed, and any suspension must state a fixed return date.

Source: The Municipalities Act and the Model Code of Ethics, The Municipalities Regulations.

6. Code of Ethics: The Complaint Process

- 1. Informal resolution** — raise the concern directly with the member first
- 2. Written complaint** — official complaint form, received and reviewed by the CAO
- 3. Solicitor screening** — jurisdiction, grounds, good faith, frivolous or vexatious
- 4. Mediation** — voluntary and confidential; both parties must agree
- 5. Investigation** — independent third-party investigator appointed by resolution
- 6. Report and decision** — discussed in camera, received publicly, redacted copies shared
- 7. Written reasons** — rationale, remedies and the right to contact the Ombudsman

6. Code of Ethics: Investigation and Decision

Screened out? The CAO notifies the complainant in writing, with reasons.

Proceeding? Place it on the next Council agenda and resolve to acknowledge receipt.

Investigate fairly: interview complainant, respondent and witnesses; review documents; make findings of fact.

Report in writing, then invite written submissions from both parties on the redacted report.

Deliberate in camera, then resolve publicly: substantiated or unsubstantiated.

Acknowledging receipt is a procedural step — not a finding of merit.

6. Code of Ethics: Remedial Action

Available only where a complaint is substantiated, and only as permitted by the Code of Ethics Bylaw.

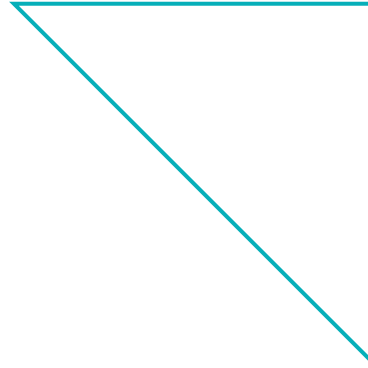
Corrective: written or verbal apology, mandatory education or training, reprimand.

Financial: repayment of money, return of gifts, reduced remuneration or benefits.

Restrictive: removal from committees, restricted access to confidential information, temporary suspension.

Apply progressive discipline where there are prior substantiated complaints; non-compliance can lead to further discipline.

No permanent removal. Every suspension must state a return date.



7. Elections

- Election Calendar
- Election Procedures
- Recounts
- Controverted Elections
- Vacancies

7. Elections: Calendar and Key Dates

Municipality type	Election day
Urban	Second Wednesday in November, every four years
Rural (RM)	Staggered four-year terms — even divisions Year A, odd divisions and reeve Year A+2
Resort village	Last Saturday in July
Northern	Fall date set by local bylaw — usually late September or early October

Counting back from election day



7. Elections: Returning Officer and Nominations

Returning Officer

- Administrator unless otherwise appointed by council
- Administers the election under the LGEA
- Sets polling places and hours; trains officials
- Counts ballots and declares results
- Need not be an employee or resident — often the administrator

Nominations

- Papers need the required nominators and a signed acceptance
- Deficient papers may be refused (s. 67)
- Candidates must meet the basic voter tests
- Judges, the auditor or solicitor, and employees without a leave cannot run
- If candidates do not exceed seats, the RO may acclaim

Commonly asked Bankruptcy, criminal history and money owed to the municipality are NOT disqualifying — and the RO does not rule on candidate eligibility. The onus is on the candidate to file a complete, truthful nomination paper.

8. Procedures for Meetings of Council

Meeting Types

- Regular Meetings
- Special Meetings

Public and Closed Sessions

Delegations

8. Council Meetings: Statutory Requirements

- **Procedures Bylaw:** set dates, times, places, and how regular meetings may be changed (MA s. 87).
- **60-day rule:** no more than 60 days may pass between regular meetings (MA s. 87(2)).
- **Valid meeting:** notice, quorum, correct presiding officer, and recorded minutes.
- **24-hour notice:** required to change a regular meeting's date, time, or place.
- **Special meetings:** written request from the mayor, reeve, or council majority, plus 24 hours' notice.

8. Council Meetings: The Public Portion

- **Public by default:** the meeting is held in the public portion unless properly closed (MA s. 119); closed sessions are the exception.
- **Who may attend:** any member of the public; recording or streaming is permitted only as the Procedures Bylaw allows.
- **Order:** the chair may have a disruptive person expelled to maintain order (MA s. 119(3)).
- **Decisions in public:** all decisions must be made by resolution or bylaw in the public portion of the meeting.
- **Minutes are public:** any person may inspect and obtain copies once approved (MA s. 117(1)(d)); improperly closing a meeting can invalidate a decision.

8. Council Meetings: Delegations

- **No statutory right to appear:** council sets the rules, but fair and transparent procedures are good governance.
- **Set the rules in the bylaw:** how requests are made, time limits, advance materials, and whether council may ask questions.
- **Schedule early:** place delegations near the top of the agenda and screen requests for jurisdiction.
- **Listen, don't debate:** hear the delegate respectfully and deliberate after the presentation.
- **Privacy:** presentations form part of the public record; limit personal information in minutes and redact before publishing (LA FOIP Part IV).

8. Council Meetings: Closed (In Camera) Sessions

- **Grounds to close:** a Part III LA FOIP exemption or strategic planning (MA s. 120(2)).
- **Common exemptions:** personnel matters, legal advice, land acquisition, and third-party business information.
- **Motion to close:** stated publicly in general terms; debatable, not amendable, majority vote.
- **No decisions in camera: no resolutions or bylaws may be passed; rise and report, then resolve in the public portion of the meeting.**
- **Minutes:** record the closing resolution, entry and exit times, and any resolution passed in the public portion.

Exercise 2: “Can We Do This In-Camera?”

Scenario

- Council wants to discuss public complaints about a municipal employee’s performance during a regular meeting
- The Mayor suggests moving in-camera

Questions

- What legislation is this best practice grounded in?
- What is the correct procedural response?

10 minutes at your table

Exercise 2: Debrief

Manual section:

- Procedures for Meetings of Council — moving into a closed session and back into open session

Legislation:

- The Municipalities Act, ss. 119-121 — open meetings and the grounds for closing one
- LA FOIP, ss. 13-21 — the exemptions that justify a closed session, including personnel matters

What is the correct procedural response?

- A personnel matter qualifies, so a closed session is appropriate
- Pass a resolution in the open meeting identifying the subject matter generally (majority vote)
- Closed sessions are for discussion only — every decision is made back in open session
- Minutes record the resolution, the time in and out, and any resolution passed in open session

9. Passing, Amending and Repealing Bylaws

- Key Requirements and Readings
- Resolutions
- Voting
- Ministerial Approval



9. Three readings — and no shortcuts

FIRST READING

Every councillor present must have the full text of the proposed bylaw before it is read (MA s. 103(2)).

SECOND READING

Only two readings may occur at one meeting — a third needs the unanimous agreement of councillors present.

THIRD READING

The bylaw passes on third reading. Left undone for two years, it is defeated.

Public notice: where the Act requires it, give notice under your notice policy at least seven days before the meeting.

Every councillor present must vote unless legally required to abstain. A simple majority carries — and a tie defeats the bylaw. There is no casting vote.

9. An abstention is a no

- An abstention without a statutory basis counts as a negative vote — and must be minuted that way.
- Any councillor may call for a recorded vote; the minutes then show attendance and how each member voted.
- A bylaw needing ministerial approval stays inoperative after third reading until approval is granted.
- Prove approval by the administrator's certificate under municipal seal, naming the approver and date (MA s. 108(3)).
- Identify approval requirements before first reading — not after the bylaw is passed.

Enforcing or relying on an unapproved bylaw is legally ineffective — and invites a court challenge.

9. If it sets ongoing rules, it's a bylaw

BYLAW

Required wherever the Act says a power is exercised by bylaw (MA s. 5(2)).

Sets ongoing standards for a class of persons, properties or activities.

Creates obligations, penalties and enforcement.

Amended or repealed only by another bylaw.

RESOLUTION

Available where no bylaw is required (MA s. 5(3)).

One-time, case-specific, transactional decisions.

A contract, a payment, a tender, appointing the auditor.

Cannot set standards or create enforceable obligations.

THE TEST: Does the decision set ongoing rules for a class of people, properties or activities, or create obligations, penalties or enforcement? If yes, it belongs in a bylaw.

9. Amending a bylaw takes a bylaw

- Council's power to pass a bylaw includes the power to amend or repeal it (MA s. 107(1)).
- A bylaw in effect may be changed only by another bylaw — never by resolution or informal action.
- Amendments and repeals follow the same manner as the original: same readings, voting, notice and conditions.
- Ministerial approval requirements still apply, even where the amendment is minor or administrative.

Miss a step and the amending or repealing bylaw can be declared invalid by the Court of King's Bench.

9. Draft amendments so they hold up

- An amendment is any change to the wording, operation, application or legal effect of an existing bylaw.
- A repeal may be complete or partial — a whole bylaw, or only specific provisions.
- Expressly name the bylaw number and title being amended or repealed.
- Specify the exact provisions affected, and state the intended legal effect in plain language.
- Heavily amended bylaw? Have the administrator consolidate it, omitting repealed or expired provisions.

Good drafting today prevents the enforcement argument three years from now.



10. Policy and Bylaw Development

- Choose policy, procedure or bylaw
- Confirm authority and define the outcome
- Draft for clarity and administration
- Consult, review and adopt
- Implement, publish and maintain

10. Pick the right instrument first

Define the problem, the outcome and who is affected; confirm statutory authority; amend an existing instrument rather than duplicating it.

BYLAW

Binding ongoing rules for the public.

Fees, penalties, offences, enforcement.

Amended or repealed only by bylaw.

POLICY

Council direction and governance standards.

Guides decisions; not enforceable on the public.

Adopted and changed by resolution.

PROCEDURE

Staff workflow — who does what, and when.

Administrative detail sitting under a policy.

Owned and maintained by the administrator.

THE TEST: If it binds the public or creates a penalty, it almost always has to be a bylaw.

10. Draft it, adopt it, then maintain it

- State the purpose and the source of authority up front.
- Organize definitions, responsibilities, rules, exceptions, effective date.
- One term per concept, “must” for duties, testable cross-references; assign every step to a role.
- Confirm mandatory notice, hearings, assent and approvals before scheduling.
- Enforcement, appeal and penalty clauses only where authorized; legal review for high-risk bylaws.
- After adoption: records, then forms, fees, systems, training; post bylaws online from 2027.

If staff can't follow it, council can't enforce it — and an unowned bylaw is out of date.



11. Bylaw Enforcement

- Orders and authority
- Process and cost recovery
- Nuisance and property standards
- Business licences and fines
- Summary conviction proceedings
- Dangerous animals

BYLAW ENFORCEMENT

11. Orders and Authority



Enforcement is discretionary — but it must be exercised in good faith and for proper purposes, not in response to whoever complains loudest.

Authority

The PDA, The Municipalities Act, The Cities Act and the NMA.

Which order

Stop Work Order = work ongoing. Order to Remedy = work complete.

What an OTR must contain

s. 242(5) PDA — the contravention, the bylaw sections, a deadline.

Timeline

At least 30 days to comply, plus notice of the right to appeal to the DAB.

BYLAW ENFORCEMENT

11. Process and Cost Recovery

1

Inspect

Refused consent? Apply to Provincial Court for a warrant — s. 242(2) PDA, with affidavit.

2

Document

Dated notes, photographs, and a record of time spent and areas inspected.

3

Serve

Registered mail is deemed served day 3 inside the municipality, day 4 outside it.

4

Wait

Take no further action until the appeal period expires or the DAB dismisses the appeal.

5

Recover

Apply to King's Bench (s. 242(10) PDA), or remedy and add costs to the tax roll (s. 366 MA).

BYLAW ENFORCEMENT

11. Nuisance, Licences and Fines



Unpaid fines cannot go on the tax roll. Only the cost of remedial work the municipality performs can be added.

Nuisance

No abatement bylaw, no power to require corrective action.

15-day appeal to council — a different track from the DAB.

Filing an appeal does not stay the order unless a stay is granted.

Licences

Purely municipal; they expire December 31.

One transaction or advertisement proves unlicensed operation.

Fines

Under SOPA, voluntary payment is a guilty plea and ends the matter.

A fine is enforceable only on conviction or voluntary payment.

BYLAW ENFORCEMENT

11. Dangerous Animals

7 days

to file an appeal — which automatically stays a destruction order

\$10,000

maximum fine on summary conviction

6 months

maximum imprisonment

Judicial, not administrative. Only a judge or justice of the peace can declare an animal dangerous; the municipality brings the evidence. Council may declare an animal dangerous if it passes a bylaw granting the decision-making role.

A declaration compels an order. Enclosure, muzzling, liability insurance, warning signage. A judge may order destruction at the owner's expense.

Orders travel with the animal. A change of owner or a move to another municipality does not extinguish them.

Entry powers are bounded. Officers may enter non-dwellings to search and seize; a dwelling needs consent or a warrant.

12. Financial Matters

1

Controls & Budgets

Spending authority, budgets, reconciliations, reserves

2

Borrowing & Capital

Debt limits, SMB approval, EPT, local improvements

3

Reporting & Audit

Auditor, statements, statutory deadlines

12. Controls, Budgets & Reserves

Authority to Spend

No spending without authority — council resolution, budget, emergency power or statute (s. 159 MA). Signing authorities: administrator plus mayor or reeve; council stays out of cash handling.

Budgets & Asset Plans

Prepare operating and capital budgets early and report variances through the year. Asset management plans go to Government Relations every four years.

Reconciliations

Bank accounts reconciled monthly within 10 business days of month-end, with an independent review completed within 5 days.

Reserves & Investments

Capital reserves for future projects; other reserves for volatility or emergencies — never ongoing operations. Council approves each purpose and transfer by resolution.

Permitted investments: Canada bonds • GICs • Saskatchewan municipal or school securities • deposit certificates

12. Borrowing, Tax & Capital Projects

Set your debt limit early. Default limit equals last year's own-source revenues (s. 16 MA); establish a limit through the Saskatchewan Municipal Board to avoid delays.

SMB approval is mandatory when borrowing exceeds the limit, is not repayable within three years, or uses debentures. The bylaw sets amount, purpose, rate, repayment source and terms — with at least seven days' public notice.

EPT is collected, not earned. Municipal incentives, discounts and exemptions do not apply; verify mill rates by class and school division each year.

Local improvements — follow the sequence



Watch this: LGC approval must precede the bylaw.

C&D assessments are not municipal taxes — but council approval and a written agreement are required for access to municipal land or roads.

12. Reporting Calendar & Audit

Council

Appoints the independent auditor by resolution and approves the financial statements.

Administrator

Prepares statements, books the auditor early, coordinates the audit, keeps reconciliations, capital assets and tax/utility listings current, and files with Government Relations.

Deadline	Requirement	Owner
10th monthly	EPT return filed through Saskatchewan eTax Services	Administrator
January 31	Annual EPT return · MRS Declaration of Eligibility with council resolution	Administrator / Council
September 1	Publish waterworks revenues, expenditures, debt payments and sustainability ratio	Administrator
2027 (MMA)	Financial statements posted online; minutes and bylaws to follow	Administrator

Miss January 31 and the MRS grant is lost — build every one of these dates into the annual calendar.



13. Emergencies

- State of Emergency
- Responding to emergencies

**When to declare, what it unlocks,
and how to get paid back.**

Declaring and Ending an Emergency

- In advance: establish the emergency measures organization, coordinator and planning committee
- In advance: the planning committee prepares the municipal emergency plan and response procedures
- Declare by resolution and complete the Declaration of a Local Emergency Form (nature and area)
- Send the Declaration immediately to the Minister of Community Safety; publish details to residents
- LGIC may renew the declaration past seven days, or cancel it at any time
- Council must terminate once the emergency has passed — and publish the termination the same way
- Tool: use the Protective Services Cost Recovery Bylaw Template in the Manual

Key Deadlines: Diarize These



A declaration that is not renewed or terminated on the record creates real legal exposure.

14. Procurement

Tenders

RFPs

Purchasing Policies

Trade Agreements

Choose the wrong model and the municipality can owe the lowest compliant bidder its lost profits.

14. Procurement: Tenders vs. RFPs

	Tender	RFP
Binding?	Yes — a compliant bid forms a bid contract	No — proposals are not binding
Negotiation	Not permitted	Permitted on price, scope and terms
Bid security	Bids irrevocable; security held	None — proponents may withdraw
Best used when	Scope is clearly defined and price decides	Scope is complex or the solution is open
Key risk	Must award to lowest compliant bidder	Less price discipline; no bid security

14. Procurement: Which Model to Use

Choose a TENDER if...

- Goods or services are clearly defined
- You want to limit award discretion
- Price competition is the priority

Not for incomplete design or scope — a tender is inflexible once it closes.

Choose an RFP if...

- The project is complex or evolving
- You want proponents to propose the solution
- Factors beyond total cost matter

Allows negotiation on pricing, scope and contract terms.

Get legal advice on the model chosen — and on removing implied bid contract obligations.

14. Procurement: Policy and Trade Thresholds

Purchasing policy — s. 184 MA

Council may adopt one; once adopted every purchase must follow it absent a council exception.

Cover: purchasing authority ·
procurement methods · evaluation
criteria · standard contract terms

	Goods / Services	Construction
CFTA	\$100,000	\$250,000
NWPTA	\$75,000	\$200,000

NWPTA applies across AB, BC, MB and SK.

Bid protests can cost up to \$50,000 — plus arbitrator direction and reputational damage.

14. Procurement: Obligations and Exceptions

Obligations

- Open access — no local or provincial preference
- Fair process and transparency
- General prohibition on sourcing

CFTA also: disclose evaluation criteria and weighting; rules on pre-qualification lists.

Exceptions

- Legal, health and social services
- Unforeseeable urgency
- Demonstrable sole supplier
- Goods compatible with existing goods

CFTA only: engineering, accounting, architectural.

These lists are limited and not exhaustive — engage legal counsel before relying on an exception.

15. Municipal Contracts

- Authorization before signature
- Written terms that hold up
- Legal review before signing



15. Municipal Contracts: Council Authorization

A municipality has the capacity of a natural person (s. 4(3) MA) — but, as a creature of statute, it can act only through its council (s. 5(1)).

1

Present

Bring the proposed agreement to council for review and consideration before it is executed.

2

Resolve

Pass a resolution approving the agreement and naming the mayor, reeve, CAO or other designated official as signatory.

3

Execute

Only the named signatory signs — then file the executed copy with the resolution and diarize renewal and termination dates.

Why it matters

An unauthorized contract can be challenged — or found unenforceable — and the person who signed it may be personally exposed. The resolution is the transparent record that council considered and approved the deal. Pair this with the procurement rules in Section 14: it is the same transaction.

15. Municipal Contracts: Written Terms and Legal Advice

Handshake deals are where municipalities get into trouble: put every agreement in writing, signed on behalf of both parties.

What every contract must cover

- Scope, deliverables and standards
- Price, cost limits and payment terms
- Term, renewal and extension
- Performance monitoring and reporting
- Insurance and indemnity
- Termination and dispute resolution

Get it reviewed — both sides

Both parties should obtain independent legal advice before signing — not just a review by the municipality's own lawyer.

Counsel should confirm the agreement aligns with the Act, your bylaws and policies, and close gaps in liability, indemnification, termination and dispute resolution.

16. Inter-Municipal Agreements



16. Legal Authority

The Planning and Development Act, 2007 (s. 12)

Enables Intermunicipal Development Agreements (IDAs) for shared planning and costs.

IDAs: how they take effect

Adopt by bylaw and integrate into your Official Community Plan.

The Municipalities Act (MA)

Authorizes service agreements for utilities, road maintenance and fire protection.

The Fire Safety Act + the MA

Support fire protection and mutual aid arrangements across municipal boundaries.

Every agreement: approve by council resolution or bylaw — and have legal counsel review it before execution.

16. Cost Sharing, Mutual Aid and Disputes

Fix the cost-sharing formula before signing

Per-capita • Assessment • Usage-based • Fixed annual • Capital apportionment

Define eligible capital, operating and administration costs, annual reporting duties and audit rights.

Settle mutual aid before the call comes in

Triggering events • Command and control • Cost recovery • WCB coverage • Insurance, liability and indemnity.

1. Administrative negotiation

2. Council-to-council

3. Mediation

4. Arbitration or court

No dispute process in the agreement? Either municipality may refer the matter under section 392 of The Municipalities Act.

16. Servicing, Fire and Management

Servicing agreements

Water and wastewater, roads, stormwater and solid waste — especially in rural-urban fringe and growth corridors.

Settle: infrastructure ownership and control, construction standards and inspection, long-term operation and maintenance, liability, insurance and indemnification.

Fire service

One municipality serving another, a shared regional service, or boundary-area aid.

Set: response boundaries, levels of service, fees, training standards, apparatus, fire chief authority, OH&S, and coordination with mutual aid.

Agreement management

Record term, termination notice, amendment and review dates — keep every agreement in one central register, budgeted and diarized.

Monday morning: inventory every agreement, check review and termination dates, confirm each was authorized by resolution or bylaw.

17. Organized Hamlets

A hamlet sits inside the RM — the board advises, council decides.



Governance & Board

Roles of council and the hamlet board, board elections, three-year terms and how vacancies are filled.



Money & Reporting

Meetings, minutes, the hamlet account, special taxes, levies and the annual budget cycle.



Services & Disputes

Service agreements and utilities, and how disagreements between board and council are resolved.

18. Streets and Roads

- Municipal authority over streets and roads
- Closure of streets and roads
- Naming streets and assigning addresses
- Municipal liability for streets and roads
- Road maintenance agreements (Section 19)



18. STREETS AND ROADS

Authority and Closures

WHO CONTROLS WHAT

- Municipalities control all roads except provincial highways (The Municipalities Act; The Highways Act, 1997)
- Province may assign control of a highway or bridge
- Province may order a road reopened in the provincial interest

PERMANENT CLOSURE — BY BYLAW

- Council may close, lease or sell a street by bylaw
- Crown land also requires ministerial consent
- Access to land, easements and rights-of-way must be preserved
- Steps: public notice → hear affected persons → compensate → register in Land Titles

TEMPORARY CLOSURE — BY RESOLUTION

- Council or a designated officer may close any street for a necessary purpose
- Provincial highway: 20 days' notice plus ministerial consent
- Emergencies are the exception

SECTION 19

19. Road Maintenance Agreements

When an Agreement Is Required

1. THE TRIGGER	2. COUNCIL'S BELIEF	3. BULK HAUL DEFINED
Notice is served on a producer, shipper, receiver or hauler moving significant quantities	Council must believe the hauling is likely to damage municipal roads	Repeated or single hauling over a defined route, over 2 tonnes, that may cause road damage
SUMMER HAUL March 16 – November 14		WINTER HAUL November 15 – March 15
NO AGREEMENT = no shipping, no receiving, no heavy machinery.		

A hauler is anyone with control, direction or responsibility for the bulk hauling — and agreements reach undeveloped road allowances, not just developed municipal roads.

20. Utilities



Regulatory Compliance

Rate applications, licensing and oversight obligations.



Billing, Assets and Readiness

Customer billing, asset management and service continuity.



Administrator Checklist

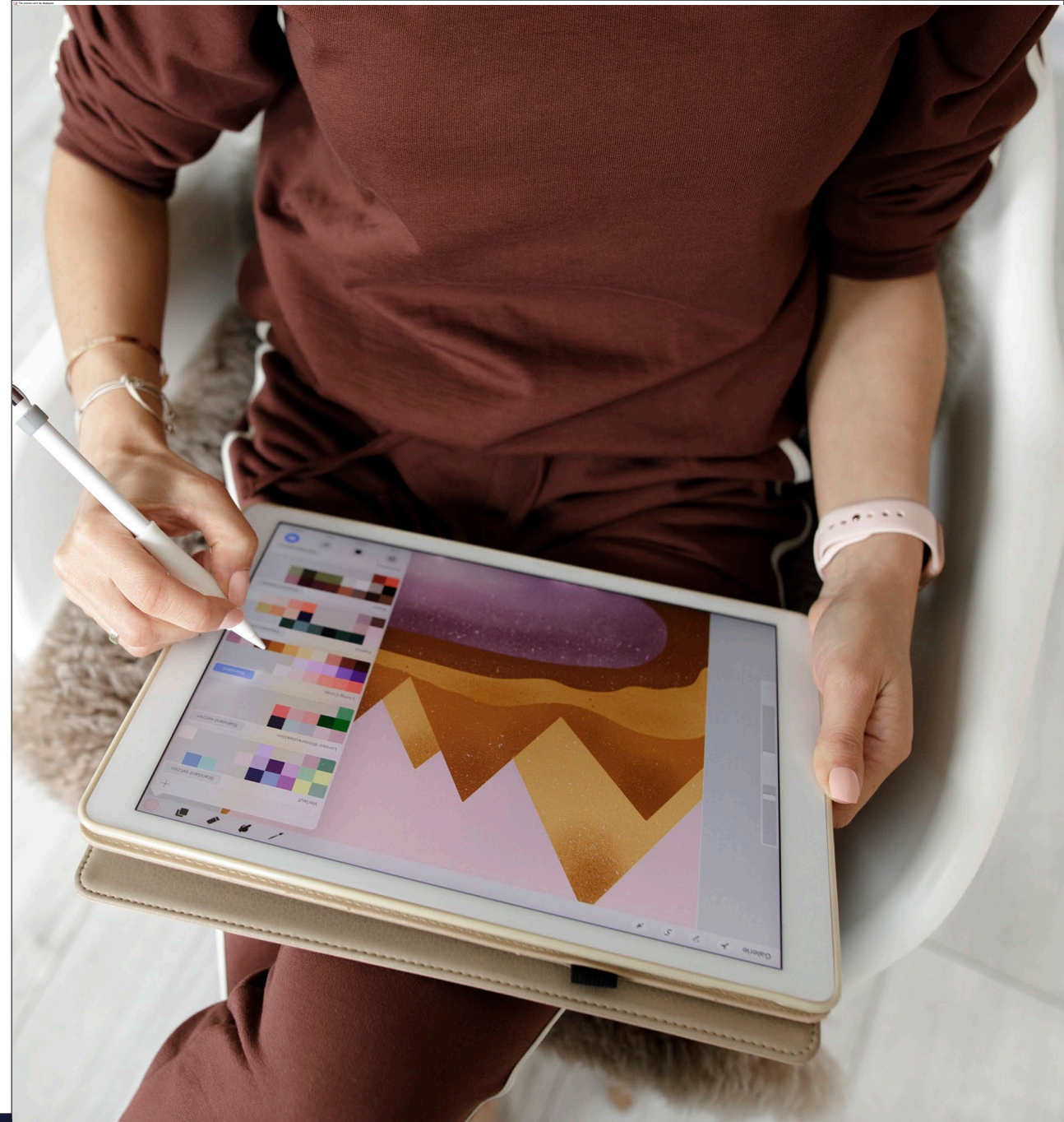
Practical steps for administrators to stay compliant.

20. Utilities: Regulatory Compliance

1. **Enabling bylaw** — Council may grant utility service rights up to 30 years by bylaw; the enabling bylaw must precede service delivery
2. **Rate approval** — Saskatchewan Municipal Board approval is required for water and sewer rates, discounts and arrears penalties
3. **Permit to Operate** — Every waterworks needs a valid WSA Permit to Operate setting sampling parameters, frequency and reporting
4. **Sampling and reporting** — Drinking water is regulated under The Environmental Management and Protection Act, 2010 and WSA regulations
5. **Annual Notice to Consumers** — Issue it with test results, sampling compliance and performance, and retain it for audit

21. Planning and Development

- OCPs, zoning and interim control
- Development permits
- Building permits and codes



OCPs, Zoning and Interim Control

OCP

The foundation. Prepared with a professional planner; must address land use, economic development, public works, hazard lands and source water protection.

ZONING BYLAW

The implementation tool. Districts, permitted and discretionary uses, development standards, plus permits, fees and enforcement.

INTERIM CONTROL

Holds the line while a plan is prepared. Needs ministerial approval and cannot permanently change land use policy.

Amendments follow the full bylaw process — all OCP and rural zoning amendments need ministerial approval; urban zoning amendments are filed.

Development Permits

Development = any building, engineering or mining operation, or a material change in use or intensity — a permit is required before work begins.

PERMITTED USE

Complies with the bylaw

The development officer may issue the permit directly.

DISCRETIONARY USE

Listed, but judgment applies

Advertised under s. 55 of the PDA and decided by council.

NEITHER

Not identified in the bylaw

Prohibited. The only route forward is a zoning bylaw amendment.

Your review asks one question: is it suitable? Infrastructure capacity, essential services, land use compatibility and sustainability.

Building Permits and Codes

DEVELOPMENT PERMIT

Does this use belong on this land?

Tested against the OCP and zoning bylaw.

BUILDING PERMIT

Is what is being built safe, accessible and energy efficient?

Tested against the Construction Codes Act and the codes.

Many projects need both — say so at the counter, because applicants routinely assume one covers the other.

Jan 1, 2022

The Construction Codes Act applies and overrides conflicting bylaws

60 days

to submit a building bylaw to the Minister; approval required to be valid

15 days

to appeal an order to comply to the Appeal Board

3 days

to apply for a permit after emergency work begins

22. Saskatchewan Municipal Board

- The SMB's purpose and role as it relates to municipalities
- Areas where the SMB may become involved
- Best practices for record keeping as it relates to the SMB
- Process, filings and the deadlines that matter

23. Municipal Boundary Alteration

- Restructuring Options and Good Faith Planning
- Statutory Steps, Notice and Disputes
- Agreement, Minister's Order and Settlement

24. Expropriation: Authority and Preliminary Steps

A tool of last resort — and the bylaw is the starting gun.

1

Pass the bylaw

s. 3 — specify the land and state the purpose for which it is required

2

Take only what is needed

Only the amount absolutely required — often less than a negotiated purchase

3

Identify owners early

Legal owners and every holder of an interest in the land

4

Notify the other municipality

Where the land sits elsewhere, contact that council first

5

Review the plans

Community Planning Branch — The Planning and Development Act, 2007

Before you rely on any of it

Have your solicitor review the documents and procedures — this process can end up in court.

25. Taxation

- Property Assessment and Notices
- Boards of Revision and Appeals
- Tax Levy and Collection Cycle
- Tax Enforcement Proceedings



25. Assessment Roll and Notices

- The administrator is the assessor by law unless council appoints another employee to the role
- Complete the assessment roll on or before May 1, and appoint the board of revision beforehand
- Send assessment notices and publish public notice within 15 days of completing the roll
- The Saskatchewan Assessment Management Agency (SAMA) confirms rolls and values property on a four-year revaluation cycle, but sets no tax rates
- Appeal deadlines run at least 30 days after notices, or at least 60 days in a revaluation year

25. Board of Revision and Appeal Procedure

- Council must appoint a local, district or Centralized board of revision before the roll is prepared
- Councillors, school board members and employees cannot sit unless it is a district board
- Keep the roll open for public inspection until the appeal deadline, and have appeal forms ready
- A bylaw may waive notices where value is unchanged or moves by less than the lesser of \$1,000 or 1% — but that bylaw does not apply in a revaluation year
- Amended notices restart the appeal period; the administrator implements board decisions on the roll

25. Tax Levy and Collection Cycle

- Council passes an annual tax levy bylaw setting mill rates, mill rate factors, minimum and base tax. The uniform mill rate may also be set by resolution.
- Divide required tax revenue by total taxable assessment and multiply by 1,000 to set the mill rate
- Prepare the tax roll and calculate taxes owing for every property by August 15 each year
- Send tax notices by September 1 showing taxable assessment, each rate, arrears, liens and due dates
- A 7:1 effective tax rate ratio limit applies to municipal tax tools from the 2023 taxation year

THE ANNUAL CLOCK

May 1

Assessment roll complete

Aug 15

Tax roll and taxes calculated

Sept 1

Tax notices sent

7:1

Effective tax rate ratio cap

25. Tax Enforcement Proceedings

- Unpaid taxes become arrears after December 31; enforcement authority arises under The Tax Enforcement Act (TEA)
- Give the head of council the list of lands in arrears between January 1 and before November 15
- Advertise the list in one newspaper issue and at the municipal office for 60 calendar days
- Register tax liens 60 days after advertising and before January 31, then wait six months
- Serve the six-month notice, and obtain Provincial Mediation Board consent where the assessed value exceeds \$17,500
- Once title is taken, sell the lands within one year

Miss a window and the cycle restarts — a full year of lost recovery.

ENFORCEMENT TIMELINE

Dec 31

Taxes fall into arrears

Jan 1 – Nov 15

List to head of council

60 days

Advertising period

Jan 31

Tax liens registered

6 months

Wait, then serve notice

Exercise 3: The Missed Tax Enforcement Deadline

Scenario

- A review of the tax roll shows several properties have been in arrears since before December 31 of last year
- The list of lands in arrears was never given to the head of council and the advertising was never placed
- Council now wants the arrears collected before the end of the current year

Questions

- What legislation is this best practice grounded in?
- What is the correct procedural response?

10 minutes at your table

Exercise 3: Debrief

Legislation:

- The Tax Enforcement Act; The Municipalities Act (levy and collection)

What is the correct procedural response?

- Tell council plainly: the arrears cannot be collected this year - the sequence cannot be compressed
- Give the head of council the list of lands in arrears between January 1 and before November 15
- Advertise the list for 60 calendar days, then register tax liens before January 31
- Liens must sit six months before the six-month notice can be served
- Key takeaway: managing council's expectations is as much the job as the paperwork

26. LA FOIP

The Local Authority Freedom of Information and Protection of Privacy Act

- Collection
- Use, disclosure and safeguards
- Privacy breaches
- Access requests and timelines
- Exemptions and IPC reviews

Balancing

the public's right of access to information with the protection of individual privacy.

Five topics. One compliance mindset.

26. LA FOIP: Collecting Personal Information

1

Necessary

Collect only what a specified, authorized service or program requires

2

Direct

Collect from the individual whenever reasonably practical (s. 25)

3

Notify

Say why you are collecting it, how it will be used and who to contact

4

Accurate

Keep it accurate, complete and up to date where used to make decisions (s. 26)

Key sections: 25 (direct collection) - 26 (accuracy). Need-to-know applies to every staff member.

26. LA FOIP: Using, Sharing and Protecting

USE - inside the local authority

Sharing with Council or another department is a use, not a disclosure. Only for the purpose collected, a consistent purpose, or with consent.

DISCLOSURE - outside the local authority

A ministry, another municipality or a third party. Consent, or authorized under s. 28 or 29. Never assume consent.

Safeguards under s. 23.1 - all three are required

Administrative

Training, policies, confidentiality agreements

Technical

Access controls, passwords, encryption, updates

Physical

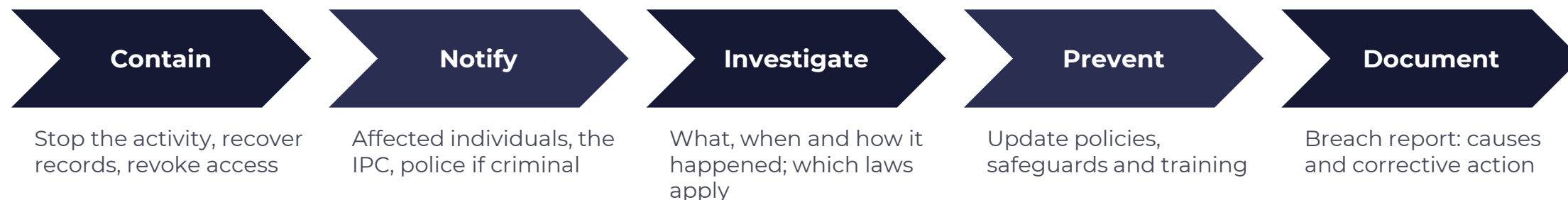
Locked cabinets, restricted areas, clean desks

Keep only as long as needed, then destroy securely. LA FOIP does not cover personal health information held by a trustee - that is HIPA; one record may engage both.

26. LA FOIP: Privacy Breaches and How to Respond

A breach is personal information accessed, used, disclosed or lost without authorization - lost counts as disclosed.

Report any known or suspected breach to administration immediately.



Real risk of significant harm (s. 28.1)

Financial loss, identity theft, humiliation or reputational damage - notify the individuals and the IPC. Most municipal breaches are disclosure: a missing BCC, personal information in Council agendas, or posting to the website.

26. LA FOIP: Access Requests and Timelines

30
days

Head must respond in writing

+30
days

One extension only: large volume, consultation or third-party notice

0
response

No response in time = deemed refused

State the outcome clearly

Granted - how, where and any fees

Partial - explain what was withheld

Refused - reasons and the provision relied on

Record does not exist

Transferred - another body has a greater interest

Fees: applicants pay the prescribed fees; give an estimate where the amount is significant, and access may be withheld until the fee or deposit is paid.

Always advise applicants of their right to request a review by the Information and Privacy Commissioner.

26. LA FOIP: Exemptions and Commissioner Reviews

Withholding is the exception

Refuse only under an authorized exemption, and cite the specific provision.

Sever the exempt content and release as much of the record as reasonably possible.

The burden of justifying withholding rests with the local authority - get legal advice early.

Notify affected third parties before release.

The review path

1 year

Applicant may apply to the IPC for a review of the decision, or of the expiry of the response time

30 days

Head must give written notice of its decision after the IPC report

Appeal

Court of King's Bench

Exercise 4: The Facebook Complaint

Scenario

- A resident posts on social media claiming council is secretly approving developments and demands all communications related to a recent rezoning application

Questions

- What legislation is this best practice grounded in?
- What is the correct procedural response?

10 minutes at your table

Exercise 4: Debrief

Legislation:

- LA FOIP - right of access (s. 5), 30-day response (s. 7), extensions (s. 12), exemptions (ss. 13-21)

What is the correct procedural response?

- The individual posted the request on social media; they did not make a formal access request using the prescribed application form
- LA FOIP requires a written application in the prescribed form, so the 30-day clock has not started and the municipality is not required to process the request until then
- Once a formal application is made, the duty to assist applies.
- Respond within 30 days;
- Provide a fee estimate before doing the work if the request is a large one
- Review the records and sever personal information and privileged or third-party material
- Document every communication; the applicant may ask the Commissioner to review your response

27. Judicial Reviews

- **The Court asks whether council had the authority, followed the required process and acted fairly – not whether it agrees with the decision**
- Challenging bylaws and resolutions: who, grounds and deadlines
- Procedure, standard of review and possible outcomes
- The Certified Record and materials to be filed
- Grounds of review: legality, good faith and fairness

28. Lawsuits

- Limitation Issues
- Responding to a Claim
- Personal Liability & Indemnification



28. LAWSUITS

Limitation Periods

GENERAL CLAIMS

2 YEARS

The Limitations Act, SS 2004, c L-16.1 — basic period running from discovery of the claim

CLAIMS AGAINST MUNICIPALITIES

1 YEAR

A shorter statutory period that displaces The Limitations Act entirely



Issue AND serve within one year of discovery of damage or the cause of action arising.

Covers the municipality, employees acting in employment, and council members on duty.

s. 344 The Municipalities Act · s. 307 The Cities Act · s. 364 The Northern Municipalities Act

28. LAWSUITS

Responding to a Claim

WHEN A CLAIM ARRIVES

- 1 Check the limitation date first — an expired period is a complete defence
- 2 Notify your insurer and legal counsel immediately
- 3 Document the discovery facts while memories and records are fresh
- 4 Claims continued out of time may be struck: Rules 7-9(2)(b) and (e), King's Bench Rules

**STATUTORY IMMUNITY**

ss. 355 MA, 317 The Cities Act and 375 NMA immunize councillors acting in good faith and within authority.

Indemnification is usually withdrawn where a court finds malice, bad faith or knowing illegality.

28. LAWSUITS

Discoverability



The clock starts when the claimant first knows damage occurred — even if unaware a lawsuit is the remedy.

It runs from when the material facts were actually known, or ought to have been known with reasonable diligence. That is fact-specific — your incident records decide it.

THE ONE-YEAR MUNICIPAL PERIOD APPLIES BROADLY TO:

Negligence

Nuisance

Wrongful dismissal

Property damage

**Misfeasance in
public office**

28. LAWSUITS

When Councillors Face Personal Liability

Immunity ends where a councillor acts in bad faith, for an improper purpose, or with knowing abuse of authority.

MISFEASANCE IN PUBLIC OFFICE — ODHAVJI ESTATE v WOODHOUSE, 2003 SCC 69

1

Deliberate unlawful conduct

2

Knowledge the conduct was unlawful

3

Knowledge or recklessness that it would likely harm

4

Actual damages suffered

**PECUNIARY CONFLICTS**

Failing to disclose or abstain can bring court penalties, disqualification or personal costs.

**INDEPENDENT TORTS**

Defamation and similar torts outside council business are not covered by municipal immunity.

Key Takeaways for Councillors



You are protected — if you act in good faith.



Act honestly, in good faith, and within council's legal authority



Declare and avoid conflicts; rely on professional advice



Be cautious with public and social media statements



Treat council powers as public responsibilities, not personal tools

Municipalities commonly defend, indemnify and pay judgments — unless bad faith or knowing illegality is proven.

Q&A

Thank you

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