

PART I

THE MUNICIPALITY

Every municipality subject to Act

4 Every municipality incorporated at the date this Act comes into force is subject to this Act.

Regional municipalities continued

5 (1) The inhabitants of the County of Cape Breton are, and continue to be, a body corporate under the name "Cape Breton Regional Municipality".

(2) The inhabitants of the County of Halifax are, and continue to be, a body corporate under the name "Halifax Regional Municipality".

(3) The inhabitants of the County of Queens are, and continue to be, a body corporate under the name "Region of Queens Municipality".

References to regional municipalities

6 (1) A reference in an enactment to a municipality pursuant to the *Municipal Act*, city, town, municipality of a county or district or rural municipality includes a regional municipality.

(2) A reference in an enactment to the

(a) mayor of a city or town; or

(b) warden of a municipality of a county or district, a rural municipality or a municipality pursuant to the *Municipal Act*,

includes the mayor of a regional municipality.

Municipalities of counties/districts continued

7 (1) The inhabitants, other than the inhabitants of an incorporated town, of each of

(a) the counties of Annapolis, Antigonish, Colchester, Cumberland, Inverness, Kings, Pictou, Richmond and Victoria; and

(b) the districts of Argyle, Barrington, Chester, Clare, Digby, East Hants, Guysborough, Lunenburg, Shelburne, St. Mary's, West Hants and Yarmouth,

are and continue to be bodies corporate under the name of the "Municipality of the (County or District) of".

(2) A municipality continued pursuant to this Section is a county or district municipality.

(3) A reference in an enactment to a municipality of a county or district, rural municipality or municipality pursuant to the *Municipal Act* is a reference to a county or district municipality.

(4) A reference in an enactment to the warden of a municipality of a county or district, rural municipality or municipality pursuant to the *Municipal Act* is a reference to the mayor or warden of a county or district municipality.

(5) The powers and jurisdiction of a county or district municipality do not include an incorporated town within the boundaries of the county or district municipality.

Towns continued

8 The inhabitants of an incorporated town are and continue to be a body corporate under the name of the "Town of".

Municipal name change

9 The Governor in Council may, on the request of the council of a municipality, change the name of the municipality to a name chosen by the council.

Government of municipality

10 (1) A municipality is governed by a council consisting of at least three members.

(2) One councillor shall be elected for each polling district in a county or district municipality and in a regional municipality.

(3) No more than two councillors shall be elected for each *ward polling district* in a town.

Election of mayor for towns, regional municipalities

11 (1) The mayor of a town or regional municipality shall be elected at large.

(2) Every person eligible to vote for a councillor of a town or regional municipality is eligible to vote for the mayor.

Selection of mayor for county or district municipalities

12 (1) The warden of a county or district municipality shall be chosen by the council members from among themselves.

(2) The term of office of the warden expires when the term of office of the council expires, unless prior to the selection of a warden, the council, ~~by policy,~~ adopts a shorter term of office for the warden.

(3) The warden shall be chosen

(a) at the first meeting of the council in a regular election year after the time for applying for a recount has expired; or

(b) at the first meeting of the council after the expiration of the term of a warden or when the office of warden otherwise becomes vacant.

(4) The clerk shall preside at the meeting of the council at which the warden is to be elected, until the warden is elected.

(5) If a majority of the council members are unable to agree upon the choice of a warden, the clerk shall determine the warden from the two leading candidates by lot as provided in the *Municipal Elections Act*.

(6) The council of a county or district municipality may, by policy, adopt rules governing the election of a warden by the council members.

(7) The council of a county or district municipality may

(a) by a vote of two thirds of the council members;
and

(b) on twenty days notice in writing to the clerk,
the warden and the councillors,

remove a warden from office as warden and proceed to elect a new warden.

(8) The council of a county or district municipality may, at any time not less than nine months prior to a regular municipal election, decide that the chair of the council be elected at large, in which case

(a) commencing at the next regular municipal election, a mayor shall be elected at large for the municipality;

(b) every person eligible to vote for a councillor of the municipality is eligible to vote for the mayor;

(c) the total number of council members is increased by one unless the municipality has applied to the Board and the Board has determined otherwise;

(d) subsections (1) to (7) do not apply to the municipality.

(9) A decision made pursuant to subsection (8) may not be reversed after February 15 in the year in which the first mayor is to be elected, or subsequently.

Perpetual succession and seal

13 (1) A municipality has perpetual succession and shall have a common seal.

(2) The seal shall be kept by the clerk.

(3) The mayor or warden and clerk or the persons designated by the council by policy may sign a deed or other document to which the municipality is a party on behalf of the municipality.

Powers of council

14 (1) The powers of a municipality are exercised by the council.

(2) In the general exercise of its powers, the council shall take into account the principle of accessibility for its citizens with disabilities.

(3) Each council member, while in office, may administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province.

Mayor or warden

15 (1) The mayor or warden shall preside at all meetings of the council.

(2) During the temporary absence of the mayor or warden, the deputy mayor or deputy warden shall preside and, if neither is present, the council may appoint a person to preside from among the council members present.

(3) The mayor or warden may

(a) monitor the administration and government of the municipality; and

(b) communicate such information and recommend such measures to the council as will improve the finances, administration and government of the municipality.

Deputy mayor or deputy warden

16 (1) The council shall select one of its council members to be the deputy mayor or deputy warden of the council.

(2) Prior to the selection of a deputy mayor or deputy warden, the council shall determine, ~~by policy,~~ the term of office of the deputy mayor or deputy warden.

(3) The deputy mayor or deputy warden shall act in the absence or inability of the mayor or warden or in the event of the office of mayor or warden being vacant.

(4) The council may prescribe, by policy, additional duties and responsibilities of the deputy mayor or deputy warden.

(5) The deputy mayor or deputy warden has all the power and authority and shall perform all the duties of the mayor or warden when the deputy mayor or warden is notified that

(a) the mayor or warden is absent or unable to fulfil the duties of mayor or warden; or

(b) the office of mayor or warden is vacant.

Mayor or councillor resignation

17 (1) The mayor or a councillor may resign from office at any time by delivering to the clerk a signed resignation and such a resignation is effective on delivery by the clerk to the next meeting of the council.

(2) A resignation may not be withdrawn once it has been delivered to the clerk.

(3) A mayor or councillor who ceases to be ordinarily resident in the municipality ceases to be qualified to serve as mayor or as councillor.

(4) A mayor or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

(5) When a seat on the council becomes vacant, the clerk shall report the facts to the council.

(6) *Notwithstanding subsection (3), where a mayor or councillor has the approval of the council, a mayor or councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term.*

Employment restriction for former council member

18 No council member may be employed by the municipality while a council member or for a period of six months after ceasing to be a council member.

Council meetings

19 (1) Notice of regular council meetings is not required.

(2) In addition to regular meetings, the council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the council determines, if each council member is notified at least three days in advance *and the clerk gives at least two days public notice of the meeting.*

(3) Where the mayor or warden determines that there is an emergency, the council may meet without notice or with such notice as is possible in the circumstances.

(4) The clerk shall call a meeting of the council when required to do so by the mayor or warden or upon presentation of a written request signed by a majority of the councillors.

(5) When calling a meeting pursuant to subsection (4), the clerk shall give at least two days public notice of the meeting.

(6) Where the council fails to meet at any time determined by law, it is not dissolved, but may hold future meetings as if there had been no failure.

(7) A meeting of the council is not an illegal or invalid meeting by reason only of

- (a) a failure to give notice; or
- (b) meeting elsewhere than provided in the by-laws, a policy or a notice of meeting.

Quorum of council

20 (1) A majority of the maximum number of persons that may be elected to the council is a quorum for every meeting of the council.

(2) Where there is a vacancy in a council's numbers, the council may make a decision if a quorum is present at a meeting.

(3) Where the number of council members is reduced due to vacancies in a council's numbers below the number required for a quorum, the remaining council members may make a decision at a meeting of council if

- (a) there are at least three remaining council members; and
- (b) a majority of the remaining council members is present at the meeting,

but the council may not pass a by-law or policy, borrow money, set a tax rate, acquire or sell property or make any other decision that has effect after, or for a term extending beyond, the date for the election to fill the vacancies in council membership.

(4) Where the number of council members is reduced below

- (a) three, for a council consisting of more than three members; or
- (b) two, for a council consisting of three members,

due to vacancies in the council's numbers, the council may not make a decision except to take such steps as may be required to fill the vacancies.

Voting at a council meeting

21 (1) Unless otherwise prescribed by statute, a question arising at a council meeting shall be decided by a majority of votes.

(2) Subject to the *Municipal Conflict of Interest Act*, all council members present, including the person presiding, shall vote on a question.

(3) Unless otherwise specified in a policy, a member of the council who fails or refuses to vote on a question before the council is deemed to have voted in the negative.

(4) In the event of a tie in a vote on a question, the question is determined in the negative.

(5) The person presiding at a meeting of the council may cause to be expelled and excluded any person, including a council member, who is disrupting the proceedings of the council.

Open meetings and exceptions

22 (1) Except as otherwise provided in this Section, council meetings *and meetings of committees appointed by council* are open to the public.

(2) The council or any committee appointed by the council may meet in closed session to discuss matters relating to

(a) acquisition, sale, lease and security of municipal property;

(b) setting a minimum price to be accepted by the municipality at a tax sale;

(c) personnel matters;

(d) labour relations;

(e) contract negotiations;

(f) litigation or potential litigation;

(g) legal advice eligible for solicitor-client privilege;

(h) public security.

(3) No decision shall be made at a private council meeting except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the municipality.

(4) A record which is open to the public shall be made, noting the fact that council met in private, the type of matter that was discussed, as set out in subsection (2) and the date, but no other information.

(5) Subsections (3) and (4) apply to committee meetings or parts of them that ~~the council has determined~~ are not public.

(6) Any councillor or employee of a municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the council or committee, as a result of which the municipality has lost financially or the councillor or employee of a municipality has gained financially, is liable in damages to the municipality for the amount of the loss or gain.

(7) Subsection (6) does not apply to information disclosed pursuant to subsection (4) or subsection 473(2).

Council may make policies

23 (1) The council may make policies

(a) respecting the date, hour and place of the meetings of the council and the notice to be given for them;

(b) regulating its own proceedings and preserving order at meetings of the council;

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

(d) providing for and fixing

(i) the annual remuneration to be paid to the mayor or warden,

(ii) the annual remuneration to be paid to the deputy mayor or deputy warden,

(iii) the annual remuneration to be paid to councillors,

(iv) that part of the salary or remuneration that is an allowance for expenses incidental to the discharge of the duties of such persons as elected officers of the municipality,

(v) the deduction to be made from the remuneration of such persons for missing more than three council or committee meetings in a year, and

(vi) the rate per kilometre as a travelling allowance for such persons for actual distance travelled once each day to go to, and return from, every daily session of a meeting of the council or of a committee.

(2) The council may, by policy, require that where a council member is nominated or appointed by the council to a board, commission or other position or is otherwise appointed as a representative of the municipality, any remuneration from that position, excluding reimbursement of expenses, to which that council member is entitled shall be paid to the municipality.

(3) Where

(a) an expense by a council member is authorized by an expense policy adopted by the council; or

(b) no expense policy has been adopted by the council but the expense is supported by proof that it has actually been incurred,

the expense may be reimbursed to the council member.

Standing, special and advisory committees

24 (1) The council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the municipality.

(3) The council may appoint persons who are not members of the council to a committee and may establish a procedure for doing so.

(4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the council applies to committees unless the council, by policy, decides otherwise.

(5) A member of a committee established by the council who is a council member is not entitled to additional remuneration for serving on the committee but may be reimbursed for expenses incurred as a committee member.

(6) A committee member who is not a council member may be

(a) paid an annual honorarium for serving on the committee, as determined by the council by policy, and an honorarium may be a different amount if the person is chair of a committee and honorariums may differ for different committees; and

(b) reimbursed for expenses incurred as a committee member.

(7) Where a council member is appointed to a committee, board or commission as a representative of the council, the council member's appointment ceases if and when person ceases to be a council member.

Vacancy on board, commission or committee

25 (1) A person appointed by the council as a member of a board, commission or committee pursuant to this or any other Act of the Legislature who, without leave of the board, commission or committee, is absent from three consecutive regular meetings, ceases to be a member.

(2) The secretary of the board, commission or committee shall immediately notify the council of a vacancy, and the council shall fill the vacancy.

Citizen advisory committees

26 The council may establish, by policy, citizen advisory committees which shall advise the council, as directed by the council.

Community committees

27 (1) The council may establish, by policy, a community committee for an area.

(2) A policy establishing a community committee shall

(a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and

(b) include such other matters as the council deems advisable.

(3) The powers and duties of a community committee may include

(a) monitoring the provision of services to the area for which the committee is responsible and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory subcommittees;

(c) making recommendations to the council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting

(i) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,

(ii) by-laws or regulations, including those regarding planning, that are required, and

(iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.