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A bit about Paul...



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2026 Municipal Election



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The secret to effective municipal governance



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Defining Governance.....

- Simply put governance refers to the systems and processes of making decisions that become law
- For a Municipal Council, governance is the political process, authority and responsibility to make binding decisions that establish laws that dictate how local services will be provided



To Be Clear

- Council is responsible for deciding what services a municipality will provide and to what level (how often and to whom) those services will be available.
- Council's sole responsibility and authority is to establish laws.... Every decision Council as a body makes is law!



Defining Governance.....

- Governance is NOT operating the municipality.



Top 10 reasons not to run for Council....



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- Because you want to fire the (insert staff position here)
- This is a common “theme” we hear often because ***“nobody knows what staff do”***



The Role of Staff



- Council and Municipal Staff are supposed to act as a team. Council sets the policy and gives direction to the CAO (or most senior manager) and then staff implement Council's policy decisions.
- Council does not “manage” the implementation, that is the role of the CAO and Clerk
- Municipalities are a statutorily created level of government. Authority comes from legislation, regulations and Council's efforts are driven by by-laws



The Role of Staff



- It is important that Staff and Council understand their roles
- Staff do not set policy and do not control Council. Staff reports to and advises Council so Council can make informed decisions
- Staff have MANY statutory tasks to perform. They are not simply “secretaries” waiting for direction from Council



What about when Council “directs staff”?

- Council Resolutions often “Direct Staff” to take certain actions
 - Regardless of how the resolution, motion or by-law is worded, legally, the Council is directing the Chief Administrator to ensure that whichever action is being directed gets done.
 - Councillors should NOT personally direct staff, nor should they EVER personally operate municipal equipment or perform municipal work.



What about when Council “directs staff”?

- Advice and Reports are provided to Council by many staff members, and this often results in Council believing that all senior staff report to them, but in reality, only the CAO is responsible to Council for all matters that are before them.
- It is a legal error for Council, or Councillors to direct staff that reports to the CAO
- For example, individual Councillors should NOT direct or instruct the Roads department, the treasurer, the By law enforcement officer etc.



Airing Dirty Laundry

- Operating in a “fishbowl”
- Staff can be a convenient target
- Councillors may see the need to criticize
 - Ex. Incorrect, poor research, too slow
- Must **never** publicly accuse staff of stupidity, lack of ethics or being unprofessional
- **Council should “police” themselves**



Best Practices

- When council looks good so does the municipality; At the same time, when council looks bad it reflects on the staff
- Council must ensure not to make important policies without careful thought and analysis of material and recommendations
- Should raise issues with senior staff beforehand



Best Practices



- Staff can and should speak for themselves
- Get motions right the first time
- The name game: elected office is an honour; Use “elected representative”, “Mayor”, “Councillor”



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- Because you want to fix a specific issue (potholes)
- Single Item Agenda
- Handle Complaints



The collective goal

- What are we working towards?
- A smoothly running, legally compliant municipality, complete with motivated, high performing staff and visionary, effective leaders



The importance of the roles of team members

- Imagine if the goalie in the important hockey game stopped the shot and then went on a breakaway without anyone on the team expecting that
- Going outside your role puts the team (and your assets) at risk!



Team members depend on each other

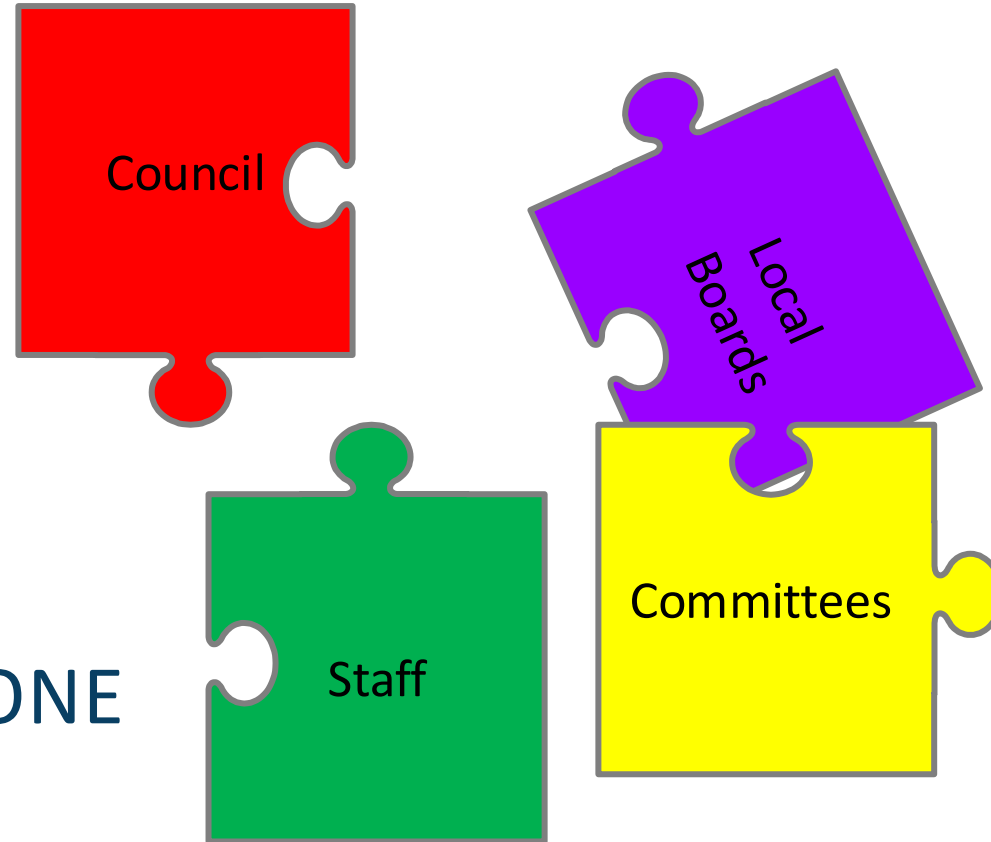
- Councillors make policies and are accountable to the public who elect them
- The effective implementation of these policies is dependent on the administrative branch's resources and abilities (i.e. the budget approved by Council)
- The administrative branch is dependent on council to develop reasonable and achievable policy goals



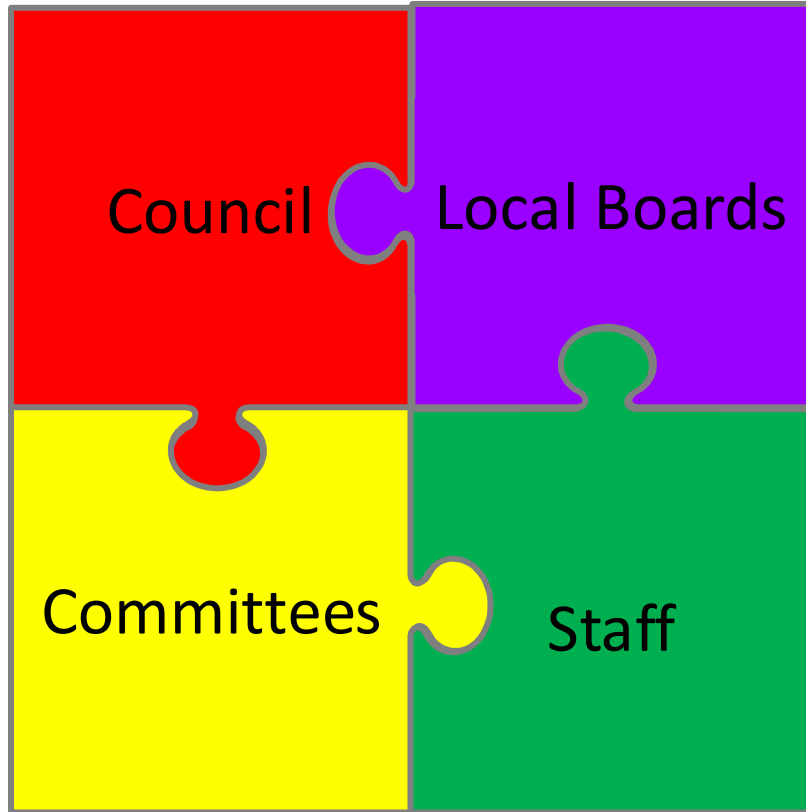
SO many teams... How do they work together?

- Consider the teams:

- Council
- Committees
- Local Boards
- Staff
- Ratepayers
- WORK ALL TOGETHER AS ONE



How do we reach the goal?



- Each member of the Overall Team has a specific role to play and it is critically important that each understand and play “their” role
- Municipalities are the most accessible level of government



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- Because you have an expertise you want to share with Council, Staff, and/or Ratepayers

- your personal/professional knowledge



The Role of Council

- First, Mayor and Council have the power to lead the Municipality from a policy, direction setting and service delivery perspective;
- Council's legal power is as a collective, not as an individual;
- Municipal Councils are not partisan as are the other two levels of government. There is no "official opposition". The intent is that once Council votes on a matter, all Councillors have the obligation to move the decision forward notwithstanding how they voted or their positions prior to the decision
- Municipal Councils are also the only level of government that are required to be completely transparent in their operation (fishbowl)



Representative Role

The Ontario Government (MMAH Website) provides that:

- Councillors are elected by their constituents to represent their views when dealing with issues that come before Council.
 - [This means that at the Council table you represent the people and not your private interests]
- The key challenge is that the constituents may have many views and opinions and that Councillors cannot represent all of them all of the time



Law Making Role

The Ontario Government (MMAH Website) provides that:

- Many council decisions are routine, dealing with the ongoing administration of the municipality, but others establish the principles and direction that may determine the municipality's future actions. These are often considered to be policy decisions. Some policies can be specific, such as a by-law requiring dogs to be kept on leashes in public areas, and others can be broader and more general, such as approval of an official plan



Stewardship Role

The Ontario Government (MMAH Website) provides that:

- Council's objectives are to ensure that the municipality's financial and administrative resources are being used as efficiently as possible.
- There is a fine line between council's overall stewardship of the municipality and the administration's management of day-to-day activities. Generally, council monitors the implementation of its approved policies and programs, but the practical aspects of its implementation and administration are a staff responsibility.



Why this matters

- Municipalities are a Statutory Level of Government
 - They must follow the rules in the *Municipal Act* and many other pieces of legislation
 - They are required to have a Council and several different Statutory Officers to give them professional advice and/or act in an administrative capacity
- Municipalities are governed by a Council
 - Council is to act in an ethical manner (accountable & transparent)
 - Council is to make decisions that are in the best interest of the Corporation



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- Because you want to cut or freeze taxes
- Stewardship role



successful decision-making

You don't always have to be right, but you should always do it RIGHT!



Why a good Decision-Making practice is IMPORTANT

1. Councillors are elected to :
 - Represent the People – Representative Role
 - Adopt Policy – Law Making Role
 - Ensure the Efficient Use of Resources (financial & administrative) – Stewardship Role
2. In essence Councillors are elected to make decisions..... And more importantly to make decisions as a level of government ... you are there to decide NOT to DO!



Why a good Decision-Making practice is IMPORTANT

- Responsible – the right thing to do
- Defensible – can defend a decision
- Transparent – can be easily shared/explained
- Predictable – parties know what to expect
- Efficient use of Time and Resources
- Good Leadership
- Strong, healthy & resilient organizational culture



Best Practices in Decision-Making

- Process (Open & Closed)
 - Preparation
 - Debate
 - Vote
- Consequences when you get the process wrong



Best Practices in Decision-Making

- Accountable – Can explain why a decision is being made
- Transparent – Share the information that the decision was based on
- Follow a Consistent Process/Predictable
- Apply Principles of Fairness (not prejudging - having an open mind)
- Do not subvert the Decision Making process
 - Councillor's job is to persuade Council, not staff
 - One person's/or a small group's complaint to a Councillor may not be consistent with the community's interests
 - is NOT the role of the Councillor to decide for Council or to force others to decide



Process for Decision-Making

1. Matter properly comes before Council (Procedure Bylaw)
 - On an Agenda, material in the Agenda Package – usually a staff report
2. Read the material – make sure you understand what you are being asked to decide upon
3. Ask questions of the CAO if you are unclear about the information – it is your responsibility to be knowledgeable – there are no dumb questions!
4. Speak to the electorate – seek their opinion *important to not share your own, rather listen to theirs....



Best Practices in Decision-Making

Open Meetings

- Agendas & Council packages are public
- Public can watch the debate
- You can seek public input
- You can openly discuss the decision making process and your role but **MUST** respect the decision of Council

Closed Meetings

- Agendas & Council packages are **NOT** public
- Public cannot watch the debate
- You cannot seek public input
- You cannot openly discuss the information received, the debate or any decision made by Council other than what is reported in the open session.



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- Because you want to act as the “official” opposition



question

What is the job of a Councillor
in the Debate?



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Preparation

- Being prepared when Council debates a decision is very important
- Steps to take:
 - a) understand the decision that you are being asked to have an opinion about – you must first identify the problem/situation you are being asked to resolve
 - b) consider the information before you (staff report etc.) and ask yourself is it sufficient for you to decide one way or the other? If not, then seek what you need.
 - c) identify the alternatives – what are other potential solutions?
 - d) analyze the information - i.e. pro and con analysis
 - e) Consider how the issue affects the entire municipality
 - f) decide if you are for, against, or not sure/need more time
 - g) prepare your persuasive argument – “sales pitch”



Preparation

- Things for you to consider
 - a) Does Council have the legal authority to make the decision?
 - b) Does what you are being asked “fit” with Council’s Term Plan, the Community Strategic Plan or other Strategic Thinking Plan?
 - c) Has Council considered this decision or a similar decision before?
 - d) Did Council adopt a policy or Bylaw that impacts this decision?
 - e) What is the risk of making a decision related to this matter? What would need to be done to mitigate or manage the risk?



5

- Because you want to get your way at all costs



Debate

- Motion must be properly moved and seconded before the Debate begins
- Debate is not a verbal “fist fight”
- Debate is expressing opinions and positions respectfully
- Important to consider that everyone has an opinion and that it may be different from yours
- Listen!
- The goal is to persuade other Councillors that your opinion is an appropriate solution, not brow beat them.



Debate... continued

- Rules of Debate:

1. Never publicly disagree or argue with the Mayor
2. Never offend, disrespect or insult the Mayor, another member of Council, Delegate, staff or member of the public
3. Do not speak out of turn or interrupt some one who is speaking
4. Present the facts truthfully – do not falsify or distort facts
5. Stay focused on the question that is being debated not the Mayor or another Councillor
6. Do not become emotional in your appeals
7. Control your tone of voice
8. Avoid quarrelling or bickering – do not point fingers at anyone
9. Avoid personal attacks – treat others the way you wish to be treated – considering differing opinions helps to make better decisions
10. Do not discuss physical attributes or limitations



Vote

- Once the debate has concluded a decision should then be made:
 - In favour of the motion
 - Against the motion
 - Amend the motion
 - Defer the motion
 - To a later date to get more information
 - To update a bylaw or policy
- If Council is going to make a decision that is contrary to an existing policy/bylaw they should include that in the resolution and the reason for doing so (important for accountability/transparency & consistency)



Evaluate

- This is the final step in a Decision-Making Process
- Evaluating the outcomes of the decision may help the decision maker improve their decision making abilities
- It is valuable to assess the Decision-Making Process to improve the effectiveness and efficiency of future decision making
- In this step you would consider the results of the decision and evaluate whether or not it has resolved the problem/situation
 - If it has – Great Job – your process worked
 - If not – Great Job – you will need to consider why and if the Decision-Making Process could have been done differently (maybe new



Consequences when you get it wrong

- Corporate
 - S. 273 of Municipal Act permits a challenge of any decision for illegality
 - Bylaws or resolutions
 - Illegality can mean lack of good faith and impartiality
 - Danger of liability where illegal decision is foundation for subsequent actions either by municipality or third party
- Personal Liability/448 protection
 - 448 is personal immunity section
 - Requires actions to be within role and in good faith



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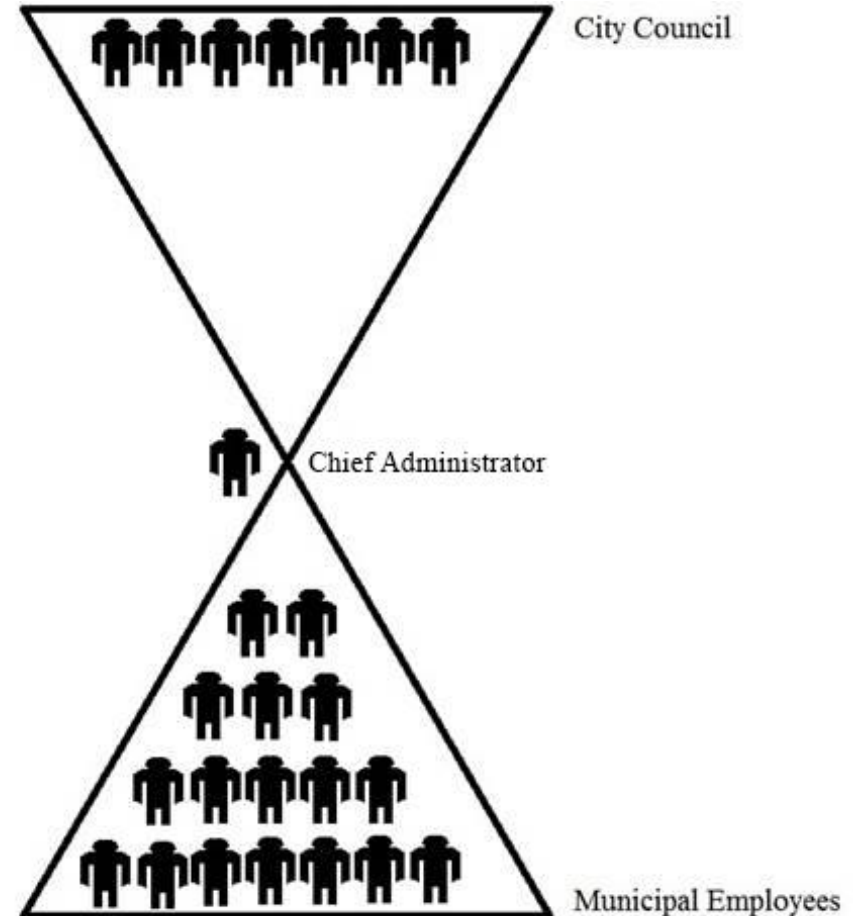
- Because you can get paper clips at a better price



How do Council and Administration differ?

- *“Councils and their administration have different roles within the municipality, but their roles have common goals and purposes. In general, it is the role of the elected council to represent the community and set the direction and policy for the municipality, and it is the role of staff to manage people and resources to achieve council’s vision.”*

-Municipal Affairs and Housing (MAH)



Risk Management

One risk management role of Council is “to ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of council”

- Responsible to ensure legislative requirements are supported by documented policies
 - a) Code of Conduct, Council/Staff Relations Policy and Integrity Commissioner
 - Must have compliant policies in place by March 1, 2019
 - Will require appointment of Integrity Commissioner (IC)
 - IC MUST investigate allegations of breach of Code of Conduct, Staff Policy or Municipal Conflict of Interest Act issues
 - Investigations are mandatory and expensive when issues arise
 - Need to budget for costs associated with the new legislation
 - b) Capital Asset Management Plan must be complete to qualify for certain funding



Risk Management Role

Another risk management role of Council is “to maintain the financial integrity of the municipality” which may require:

- consideration of decisions from a strategic or longer timeframe rather than just a term of Council
- Consideration of the financial impact of resolutions and bylaws and staff recommended action – staff understand the interconnectivity to longer term strategies
- Hard to achieve a longer term strategy if decisions are made with a focus on the short term only
- Primary tool used to manage this risk is the municipal budget



Risk Management and the Budget

- Budget process

- Municipal budget is a projection of future revenues and expenditures usually for an annual period
- Process is that Council sets its expectations at a high level (not line by line analysis of the detailed budget)
- Council can cut or add percentages to the whole budget
- Staff comes with recommendations of how Council can achieve budget
- Consideration to be given to longer timeframe than just term of council to ensure proper financing of investment projects, capital projects and funding long term liabilities



Risk Management and Finance

- Longer Term Budget Considerations (longer than a term of council)
 - Capital asset planning (Asset Management Plan Required)
 - Landfill closure liability planning
 - Post Employment Benefit liability planning
 - Long term debt repayment planning
 - Reserve Fund planning

Don't "Save" your Municipality into a Crisis!!



3

- Because you want to drive the grader or be the CAO



The Role of Council under the *Municipal Act*

- The role of council is set out in section 224 of the *Municipal Act, 2001*:
 - s.224. It is the role of council,
 - (a) to represent the public and to consider the well-being and interests of the municipality;
 - (b) to develop and evaluate the policies and programs of the municipality;
 - (c) to determine which services the municipality provides;
 - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of council under this or any other Act.



Staff's role set out in the *Municipal Act*

Municipal administration – In the *Municipal Act, 2001*

- s.227.** It is the role of the officers and employees of the municipality,
- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
 - (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
 - (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.



Governance vs. Management

- Municipalities, pursuant to the *Municipal Act, 2001*, are corporations run by a Council which is a type of governance board
- This is to be distinguished from a management board
- Council is not a business, it is a level of government controlled by statute
- Councilors are not managers



Governance vs. Management

- Councilors are not supervisors
- Council (as a whole) is the employer and supervisor only of the CAO/Clerk
- The Clerk, Treasurer (per the *Municipal Act, 2001*), the Fire Chief (per the *Fire Protection and Prevention Act*), and the Chief Building Official (per the *Building Code*), are appointed by Council and have statutory roles, but direction flows THROUGH the CAO



Governance vs Management

- Elected representatives have a:
 - Representative role
 - Policy Decision role
 - Stewardship role
- Staff:
 - Research policy and programs
 - Give best professional advice
 - Implement decisions
- Elected representatives need to be cautious about unclear direction and must have confidence in the abilities of staff



How do you oversee administration without administering?

- “Nose in, hands out”. In other words, inquire about matters at Council, seek reports, seek recommendations but do not direct and definitely do not participate in Municipal work
- Set goals – Annual budget, Strategic Plans, Asset Management Plans, Reserve Fund Planning etc.
- Establish policies on implementation of directives;
- Have staff report back to Council to ensure ongoing progress is being made in the implementation of Council directives.



2

- Because you want to catch staff doing “something” (or nothing)!



Council must collectively direct action

- Only Council, by resolution, motion or by-law can direct the Chief Administrator or a Committee to take an action.
- Individual Councillors cannot direct the Chief Administrator or any Municipal Staff members or any members of a Committee to take an action.
- Direction must go through the CAO.
- Council can, and should request reports from various departments or committees to ensure that policy decisions and directions are being implemented.



Council acts by by-law

- **Powers exercised by council**

5. (1) The powers of a municipality shall be exercised by its council.

Powers exercised by by-law

(3) A municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

Scope

(4) Subsections (1) to (3) apply to all municipal powers, whether conferred by this Act or otherwise. 2001, c. 25, s. 5 (4).



Council's expectations of staff

- Well planned agendas
- Thorough staff reports
 - Brief, but adequate information and analysis for decision making
 - Options and implications
 - Recommendations
- Follow up actions and implementation
- An understanding that council will make some political decisions
- Loyalty and Support
 - Efforts to make council look good
- Recognition of the structure of the organization and its inherent reporting hierarchy



Staff's expectations of Council

- Learn about the municipal organization and its operations
- Do homework before meetings
 - Read the agenda / council package
- Be supportive
 - Don't criticize staff in public or at meetings
- Appreciate demand of the job which includes the statutory responsibilities and professional obligations (ethics)
- Objectivity which includes consistent application of policies
- Give clear direction
- Respect professional opinions provided by staff and outside professionals
- Recognition of the structure of the organization and its inherent reporting hierarchy



Council/Staff Relationship

- *“Municipal staff are imperative to the functioning of the Town. It is staff’s role to provide Council with objective information and recommendations, to inform Council’s decision making, and to carry out Council’s directions in a manner that maintains public confidence in the integrity of Council, staff, and the municipality. Staff are subject to a number of pressures and require clear guidelines, boundaries, and resources to respond appropriately.”*

- **Transparency and the Public Trust**
- *Report of the Collingwood Judicial Inquiry*
- **Associate Chief Justice Frank N. Marrocco**
 - Commissioner



Foundation is Respect

- Respect for the position – Council or Staff
- Ethical behaviour/treatment of each other –
- **“Treat each other the way you want to be treated”**
- Ask the question.... “How would I like to be treated in this situation”
– John C. Maxwell



Councillors: Not Customer Service Reps



- Councillors must not act as customer service representatives
- What you hear may not be the whole story
- Rely on your own sources
- Always show leadership
 - There is always respect for leaders who make difficult, integrity based decisions
 - Don't take the easy way out
 - Approve, disapprove, or defer – if the situation calls for it



Protection under the *Municipal Act, 2001*

- Statutory immunity

Immunity

448 (1) No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority. 2001, c. 25, s. 448 (1).

- **Key points:**

- the act must have been performed **in good faith**
- Act must be done in the performance or intended **performance of a duty**
- Does not relieve municipality of any vicarious liability
- Protects the **individual** from personal liability



1

- Because you want to be a “municipal archaeologist”



Council Leadership

- a) Vision – Future focus
- b) Strategic Thinking/Planning
- c) Community Engagement



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Council Leadership

- Create space for projects and events, “of and by” the people as Peter says
- Facilitate Public Engagement
- Ask WHAT CAN WE DO TO MAKE THINGS HAPPEN
- WHAT MATTERS IN YOUR COMMUNITY
- ASK THE KIDS – THEY MAY NEED Kulin’s Waterslide
- Council sets the policy and service levels to permit/accommodate/facilitate and fund projects of and by our communities
- This is done AT the Council table with decisions of Council made at a meeting



Role of the Mayor

- Set out in section 225 of the *Municipal Act, 2001*
- Key role: **to act as the municipality's Chief Executive Officer**
- This role is expanded upon under section 226.1

As chief executive officer of a municipality, the head of council shall,

- a. uphold and promote the purposes of the municipality
- b. promote public involvement in the municipality's activities
- c. act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally and
- d. participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents."



Mayor as Chief Executive Officer

- Mayor has a prominent and highly public profile
- Under 226.1 the mayor is an **officer** of the municipal corporation
- Mayor has primary duty to ensure that policies of the Municipality are implemented
- Mayor must **bring ideas forward** to Council in order to foster the well-being of the municipality
- However, mayor is not staff; Must maintain distinction between role of staff and council, including mayor
- Mayor can NOT BIND COUNCIL (nor can individual councillors)



Why Run for Council?

- *To make a positive contribution to your community*
- *To make your municipality a better place*
- **IMPORTANT** – ALL Councillors and ALL Staff come from this position at the outset
 - it is why Councillors provide their time
 - it is why staff come to work
- When tensions get high, remember to always go back to this universal fact



Top 10 reasons to run for Council.....



Top 10 Reasons.....

10. To listen. – good at seeking advice
9. To learn
8. To pick up the garbage and plow the streets
7. To build community



Top 10 Reasons.....

6. To facilitate community ideas
5. Do something important with your time
4. Give back to your community
3. To perform public service



Top 10 Reasons.....

2. To learn about your community & be part of it future
1. To run the “people’s government”



To be Prepared

- Need to be able to receive feedback- and the importance of being able to agree to disagree
- Idea of intellect of crowds
- Relationship at the table based on respect for the position
- important #s population, councillors, quorum
 - CAO's phone number



So...What's the SECRET?

- What is the secret – it is a number
- What is the most important number for a member of Council to succeed?



So...What's the SECRET?

- In West Nipissing, the MOST important number, and the secret to success on Council is:

- 14,364



So...What's the SECRET?

- Anything else? More Numbers
 - Number of members on Council
 - Number of members to constitute a quorum
 - AND...
 - The CAO's phone number..





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