

# Conducting An Effective Council Meeting

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Municipal Affairs and Environment

# CONDUCTING

## an Effective Council Meeting:

- ▶ “to direct in action or course; manage; carry on.”

# Conducting an **EFFECTIVE**

## Council Meeting:

- ▶ “adequate to accomplish a purpose; producing the intended or expected result.”

# Conducting an Effective

## COUNCIL

### Meeting:

- ▶ “a body of persons specially designated or selected to act in an advisory, administrative, or legislative capacity.”

# Conducting an Effective Council

## Meeting:

- ▶ “an assembly or conference of persons for a specific purpose.”

# So Conducting an Effective Council Meeting is:

To direct in action or course; manage; or carry on, a body of persons specially selected to act in an advisory, administrative, or legislative capacity, assembled for a specific purpose, that is adequate to accomplish a purpose; producing the intended or expected result!

So Conducting an Effective Council Meeting is:





# To accomplish the above we need to discuss:

(based on identified issues,  
each bullet representing an area of identified concern)

1. Council Meetings in General,
2. Roles, Responsibilities and Relations,
3. Need to be Informed,
4. Rules of Procedure (Order),
5. Leadership.

# 1. Council Meeting in General

# Council's Source of Authority

- ▶ Municipalities Act 1999 (**the Municipal Bible**) is the main source of authority
  - ▶ Prescriptive (permissive) legislation - if it's in the Act you can do it, if it's not in the Act you can't
  - ▶ Council has no authority over the Act, so it must act in accordance with it.

# Highlights from the Act Regarding Meetings

## ▶ Who has the authority to call a council meeting?

- ▶ **S24(1)** The **mayor** or **2 councillors** shall request that the **town clerk call** and there shall be held, at least once a month, a meeting of the town council to which the **public** shall be admitted.

# Who is required by the Act to attend a council meeting?

- ▶ **S62(1)** The **clerk shall** attend all meetings of the council and may, at the discretion of the council attend meetings of its committees
- ▶ (2) The clerk or a person appointed under subsection (3) is entitled to speak at council and committee meetings but has no vote
- ▶ (3) Where the clerk is unable to attend a meeting of the council, the council **shall** appoint a person who shall attend the meeting in place of the clerk.

# Who else is required by the Act to attend a council meeting?

- ▶ **S56(1)** A **manager** shall, unless otherwise approved by the council, attend meetings of the council and may, at the discretion of the council, attend meetings of its committees, but he or she has no vote
- ▶ **S56(2)** Where the manager is unable to attend a meeting of the council, the council shall appoint a person who shall attend the meeting in place of that manager
- ▶ **S56(3)** A manager is entitled to take part in the discussion of all matters coming before a meeting of the council or its committees but he or she has no vote.

# Types of Meetings

- ▶ Regular Public
- ▶ Privileged
- ▶ Special
- ▶ Committee

# Regular Public Meeting

- ▶ **S24(1)** The mayor or 2 councillors shall request that the town clerk call and there shall be held, **at least once a month**, a meeting of the town council to which the public shall be admitted.
- ▶ A decision of Council shall not be valid until that decision has been ratified by a vote of the councillors at a public meeting.
- ▶ Decisions made at a regular public meeting are legally binding.



# Regular Public Meeting (continued)

- ▶ A municipal council can (and will) only be as effective and efficient as its members.
- ▶ Often the affairs, decorum and happenings of the regular public meeting form the public's perception of the council.
- ▶ Effective and professional public meetings portray the same about the council to the public
- ▶ On the contrary, ineffective and inefficient public meetings portray that opinion of the council to the public.

# Privileged Meeting

- ▶ **S213(1)** A meeting of a council shall be open to the public unless it is held as a privileged meeting or declared by vote of the councillors present at the meeting to be a privileged meeting
- ▶ (2) Where a meeting is held as a privileged meeting or declared to be a privileged meeting, all members of the public present at the meeting shall leave
- ▶ (3) A decision of the councillors made at a privileged meeting shall not be valid until that decision has been ratified by a vote of the councillors at a public meeting.

# Privileged Meeting (continued)

- ▶ Should be kept to a minimum, used only to discuss things best not talked about in public, such as personnel, legal and land issues (or for clarification purposes\*)
- ▶ Should never be used to keep the discussions and/or debate of issues from the public
- ▶ Attendance is limited to Council, the Clerk (S 62), the Manager (S 56) and those Council wishes to be present.

# Special Meeting

- ▶ Normally called for a specific, pressing reason in between regular public council meetings
- ▶ May be privileged or public as required
- ▶ If public, legally binding decisions can be made

# Committee Meeting

- ▶ Types of council committees, P4.16 Handbook:
  - ▶ Standing
  - ▶ Special
  - ▶ Citizen Advisory
  - ▶ Commissions
  - ▶ Other External Committees and Appointments
- ▶ Will focus on the commonly used - standing committees

# Committee Meeting (continued)

- ▶ **S25(1)** A town council may establish the standing or special committees that it considers desirable to consider and make recommendations on matters referred to them by the council.
- ▶ (2) A town council may appoint persons to serve on a committee established under subsection (1) and where a council does not appoint persons to a committee, the mayor shall appoint those persons.

# Committee Meeting (continued)

- ▶ Committees manage the various affairs of a council
- ▶ Work is conducted outside of the regular council meeting
- ▶ Advisory only, recommendations must be brought to a regular public meeting for consideration
- ▶ Permits staff (and councillors) to research the issue in order to make informed recommendations to council
- ▶ Should not be comprised of a majority of council
- ▶ An effective committee structure will make for a more effective council and more effective and efficient regular public council meetings

# 2. Roles, Responsibilities & Relations

(The Three R's)



# Three R's

- ▶ If you want effective and efficient governance in general, and meetings in particular, it is imperative everyone have an understanding and respect of each other's roles and responsibilities
- ▶ In addition, it is crucial to develop and maintain positive relationships
- ▶ Three R's as it pertains to:
  - A. councillor to the community,
  - B. councillor to council,
  - C. councillor to administrator,
  - D. administrator to council,
  - E. councillor to yourself.

# Three R's

## A. Councillor to the Community at Meetings:

- ▶ Realize the importance of your position
- ▶ Act in a professional manner
- ▶ Represent the interests of residents and of the community as a whole (protect the majority from the minority - because the minority voice will be the loudest)
- ▶ Never make commitments to residents, then have to convince the rest of council so you can save face

# Three R's

## A. Councillor to the Community at Meetings (continued):

- ▶ When making decisions, consider:
  - ▶ Council's goals
  - ▶ Public interest
  - ▶ Available resources
  - ▶ Legislation, Council Regulations / Policies, etc.

# Three R's

## B. Councillor to Council at Meetings:

- ▶ Attend all meetings (even when discussing controversial issues)
- ▶ Prepare for all meetings, agenda distributed in advance for this reason
- ▶ Respect fellow councillors (and staff); everyone has an opinion, and everyone has the same right as you do to sit around the council table (given to you all by the public) - contrary to your beliefs you are not bigger or better than any colleague - she/he votes once, and you votes once!
- ▶ Act in a professional manner, anything else is nothing short of disrespect
- ▶ Legal requirement to enter into a decision in an unbiased manner - you must be able to be persuaded (Case law of development in St. John's).

# Three R's

## B. Councillor to Council at Meetings (continued):

- ▶ Follow the Rules of Procedure (Order)
- ▶ Direct discussion to (and through) the Chair
- ▶ Debate the issues, not the person - nothing wrong with agreeing to disagree
- ▶ Declare all conflict of interest situations - don't place this responsibility (burden) on council or staff (the Act is very weak, it's actually less than weak on conflict and especially who should report it)
- ▶ Abide by and support the decisions of the council, never undermine council decisions - S21(3) A town councillor is subject to the direction and control of the town council and shall abide by the decisions of the town council (again weak language)
- ▶ Take a position and vote.

# Three R's

## C. Council to Administrator at Meetings:

- ▶ Understand staff's roles and responsibilities
- ▶ Listen to staff's recommendations but remember your duty to make up your own mind on issues
- ▶ Allow staff adequate time to prepare:
  - ▶ If the intent is to gain the correct information, give staff time to research the issue
  - ▶ if the intent is to embarrass staff (or fellow councillors), blindside them with requests in a meeting without the necessary time to prepare.

# Three R's

## D. Administrator to Council at Meetings:

- ▶ Prepare for meetings
- ▶ Review, research, and report when requested
- ▶ Provide timely, useful, sound and unbiased advice
- ▶ Alert council (in a professional and non-embarrassing manner) to legislative/legal, policy and budgetary limitations
- ▶ While legally permitted to do so, administrators should only speak when necessary or requested, it is a council meeting.

# Council - Staff Relations

- ▶ A positive relationship between councillors and council, as well as council and staff makes for good government
- ▶ Council should be based on teamwork:
  - ▶ Working together towards a common goal
  - ▶ Directing individual accomplishments toward organizational objectives
  - ▶ It is the fuel that allows common people to attain uncommon results.



# Three R's

## E. Councillor to Yourself at Meetings:

- ▶ Understand your roles and responsibilities
- ▶ Be well informed
- ▶ Treat others as you want to be treated
- ▶ Maintain personal integrity
- ▶ Leave personal agendas at the door
- ▶ Remember the principles of democracy - majority rules, and you're one voice with one vote.

## REMEMBER:

A municipality can only be  
as effective and efficient  
as its members

**AND**

as Eldridge Cleaver said:

if you are not part of the solution,  
you are part of the problem

# 3. Need to be Informed

- ▶ The local level of government has responsibility over matters directly related to local communities
- ▶ It is at the municipal level citizens can most easily contact their elected officials, and it is expected you are experts in all matters related to council
- ▶ Councillors need to realize who and what they are!!
- ▶ Municipal law is constantly evolving, more and more municipal matters are referred to the court system
- ▶ The way we communicate - social media - is evolving even faster.

Councils, councillors, and administrators are more accountable than ever before,

more exposed to the public than ever before,

municipalities are more liable than ever before,

and the need to be well informed have never been more important.

# What You Need To Know Today To Make Informed Decisions

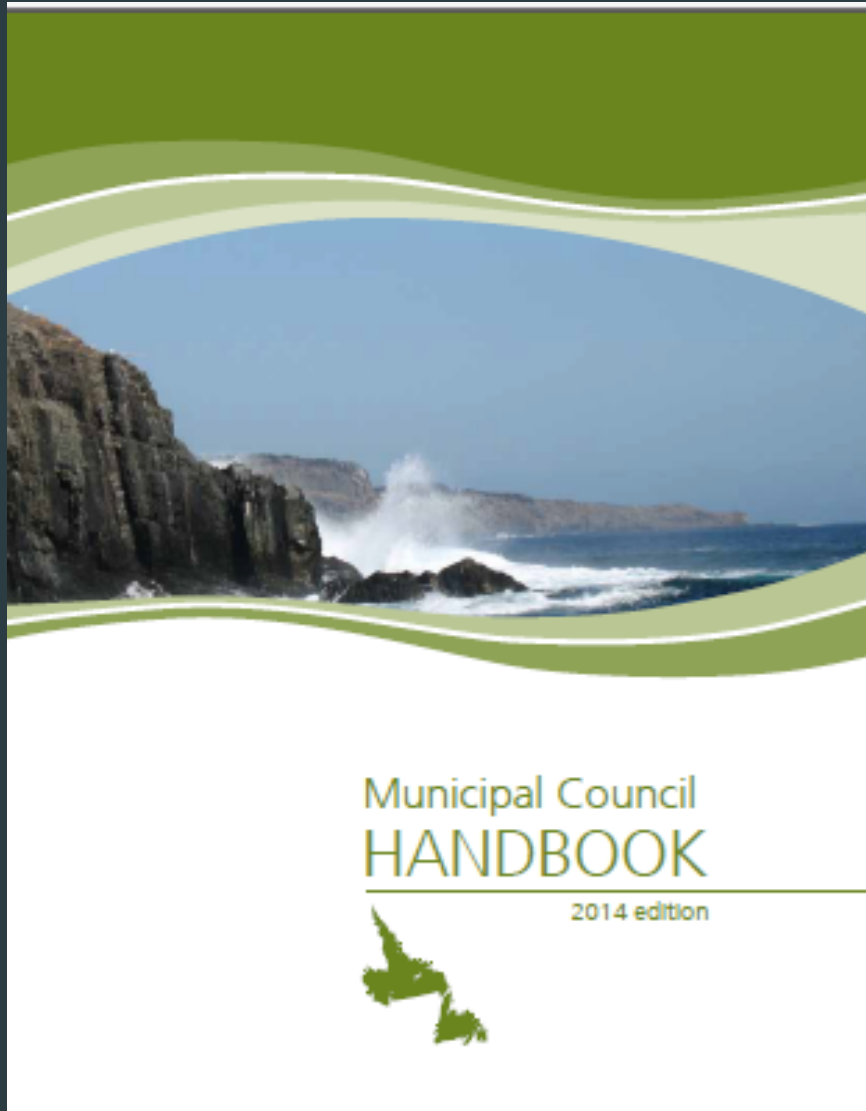
- ▶ Legislation (you're not a lawyer, NO ??)
  - ▶ Municipalities Act 1999
  - ▶ Municipal Elections Act
  - ▶ Municipal Affairs Act
  - ▶ Urban and Rural Planning Act
  - ▶ Access to Information and Protection of Privacy Act (**balance**)
  - ▶ Occupational Health and Safety Act
  - ▶ Emergency Services Act
  - ▶ Public Tender Act
  - ▶ .....

- ▶ Land Use Planning
- ▶ Municipal Plan and Development Regulations
- ▶ Municipal Regulations
- ▶ Orders
- ▶ Appeals
- ▶ Development and Building Controls
- ▶ Canada Building Code
- ▶ Budgeting, Financial Statements, Audits
- ▶ Infrastructure and Capital Works
- ▶ Government Programs / Applications
- ▶ Gas Tax, Capital Investment Plans
- ▶ Waste Management, Wastewater Regulations
- ▶ Emergency Management / State of Emergency
- ▶ .....

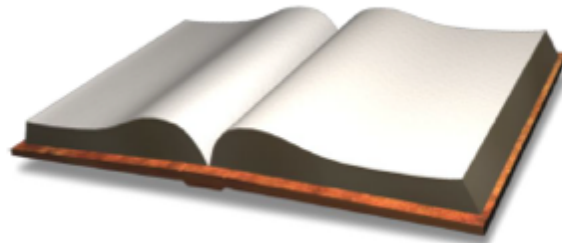
# How to Become More Informed

- ▶ Reliance on Administration - it is their job to provide informed recommendations
- ▶ Do your homework - become familiar with the necessary legislation, policies, and other required documents
- ▶ Attend professional development sessions (along with your staff):
  - ▶ Department of Municipal Affairs and Environment (Municipal Councillor Orientation Presentation, Budgets, etc.)
  - ▶ Water Resources Division
  - ▶ PMA Core Program by LW Consulting, (Advanced Stream)
  - ▶ Stewart McKelvey
  - ▶ Join the associations and participate: PMA events, MNL events





# MUNICIPAL ADMINISTRATOR'S HANDBOOK



Access to  
Information and  
Protection of  
Privacy

Guide for Municipalities

October 2015

# Other Sources of Education, Training, and Information

- ▶ Department of Municipal Affairs and Environment Staff
- ▶ Fire and Emergency Services
  - ▶ Fire Department Administration for Firefighters AND elected officials
  - ▶ Full suite of Emergency Management Courses
- ▶ Private Consultants (LW Consulting partnership with PMA)
- ▶ Online Training, University Programs/Certificates
- ▶ Certification Programs for Administrators (IIMC).

Do whatever is  
necessary to have  
well informed  
elected officials,  
and staff

# 4. Rules of Procedure (Order)

- ▶ S24(3) A town council shall adopt rules of procedure for its meetings. (Shall means you must)
- ▶ Purpose of Rules of Procedure:
  - ▶ Ensure majority rule
  - ▶ Protects the rights of the minority and individual members
  - ▶ Provides order, fairness and decorum
  - ▶ Justice and courtesy for all
  - ▶ Recognition of the will of the majority
  - ▶ Facilitate the transaction of business and expedite meetings
  - ▶ Ensure accurate recording of what takes place (minutes).

# Principals of Rules of Procedure

- ▶ All members have equal rights, privileges, and obligations
- ▶ A quorum must be present for meetings to take place and decisions made
- ▶ Full and free discussion/debate of every motion is a basic right
- ▶ One question at a time may be considered, and only one person may “have the floor” at any time
- ▶ No one has the right to speak until recognized by the Chair.



- ▶ Personal remarks should always be “out of order”
- ▶ Decisions are made formally by motion/resolution in public
- ▶ Majority decides a question, usually two-thirds when member rights are deprived
- ▶ The Chair **should** remain impartial - S22(3) The mayor or other person presiding at a meeting of a town council **may**, when he or she speaks on a subject, be replaced as the presiding person by the deputy mayor or temporary chairperson for the time during which the mayor or presiding person is speaking.
- ▶ (If a Chair wants to express personal opinion, should not act as the Chair, in Parliamentary Common Law the Chair is reserved for impartial discussion, opinionated comments by a Chair is an abuse of power and too easy to turn into general argument)

- ▶ Should direct the format/order of business for the meetings =  
**Agenda**
- ▶ **S61(1)** A clerk is the secretary to the council and is responsible to it for recording the proceedings and decisions of the council and for the safekeeping of all documents of the council
- ▶ As such the clerk is normally responsible for preparing the agenda, in coordination with the mayor, other councillors and administration
- ▶ The Rules of Procedure should set a cut-off time for inclusion of new items on the agenda, unless an urgent issue arises, to enable meeting material preparation and distribution by staff (non-urgent new items should be referred to the appropriate committee).

- ▶ Rules of Procedure promotes, while controlling, debate:
  - ▶ No one speaks until recognized by the Chair
  - ▶ All discussion should be *germane* - relevant to the immediately pending question
  - ▶ No member should speak a second time until others who wishes to speak has had the opportunity
  - ▶ Should include a restriction on speaking time
  - ▶ Debate the issue - not personalities
  - ▶ Remarks should be addressed to the Chair to eliminate cross debate.

Structured & controlled  
debate of an issue,  
as per the Rules of Procedure,  
is healthy for democracy but  
also a fundamental principle,  
any other form of debate  
is counterproductive  
and destructive.

# 5. Leadership

# The Need for Strong Leadership (at meetings)

- ▶ **S20(1)** The mayor is the presiding officer of the town council and is the official head of the town for all ceremonial purposes.

# Three R's of the Meeting Chair:

- ▶ Understand the Three R's:
  - ▶ of being Chair
  - ▶ of council
  - ▶ and administration
- ▶ Be well informed
- ▶ **Know and follow the Rules of Procedure and apply them consistently and fairly**
- ▶ Be a strong leader.

# Three R's of the Meeting Chair (continued):

- ▶ Start the meeting on time
- ▶ Know the issues to be discussed (talk to staff)
- ▶ The Chair should remain impartial - S22(3) The mayor or other person presiding at a meeting of a town council may, when he or she speaks on a subject, be replaced as the presiding person by the deputy mayor or temporary chairperson for the time during which the mayor or presiding person is speaking.
- ▶ Maintain order by knowing and following the Rules of Procedure and applying them consistently and fairly.



In Conclusion,  
Conducting  
an Effective  
Council Meeting  
is simple:

With strong leadership, knowledgeable and well informed elected officials and administration, all of whom understand, respect and comply with the roles and responsibilities of each other, maintain proper relations between councillor and council, as well as councillor to administrator, and by following the established Rules of Procedure, you will not only be Conducting Effective Council Meetings, but you will have an effective council.

# Sources of Information

- ▶ LW Consulting / PMA Core Education Program Module One: Roles, Responsibilities and Relationships
- ▶ Municipal Orientation Presentation (MTDC)
- ▶ Municipal Council Handbook, 2014 Edition
- ▶ PMA Municipal Administrator's Handbook
- ▶ Robert's Rules of Order, Newly Revised
- ▶ An Outline of Basic Parliamentary Procedure, Prepared by Douglas N. Case
- ▶ Municipalities Act 1999

