

Guide for New Municipal Councillors

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Congratulations!

Congratulations on your election as a municipal councillor. You have been chosen by your constituents to represent their interests and priorities in guiding your community forward. This is an important role as you and your fellow councillors will be making decisions potentially affecting all members of your community.

It is both a great responsibility and an exciting opportunity to serve your community and represent their interests.

About this Guide

This guide provides a brief overview of your role and responsibilities as a newly elected official. It is an introductory guide only. It does not cover every potential issue you may face as a municipal councillor. Rather, it offers helpful advice that may assist you in your time as a member of council. It supplements any training you may receive from your own municipality, the Department of Municipal Affairs and Housing, and the Nova Scotia Federation of Municipalities.

This guide has been prepared by staff at the Department of Municipal Affairs and Housing. It may not entirely reflect the specific policies and procedures that are currently in place for your municipality. However, at the end of this guide there are a variety of additional resources, should you want more information. As a new member of council, you are also encouraged to direct questions to your fellow councillors, your Chief Administrative Officer (CAO), or the Department of Municipal Affairs and Housing (DMAH).

If any information in this guide conflicts with the relevant legislation, then the legislation prevails.

This guide is not a substitute for legal advice and any questions regarding a specific fact situation should be directed to a lawyer.



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Introduction to Municipal Government

Municipal governments in Nova Scotia have a long history, predating even the founding of Canada. In 1841, Halifax became the first incorporated municipality in Nova Scotia. When Nova Scotia joined confederation under the Constitution Act (1867), municipalities became a responsibility of the provincial government.

This means that all legislation which enables and restricts municipal governments comes from the provincial legislature.

As the number of incorporated municipalities in the province grew, the Nova Scotia Federation of Municipalities (NSFM) was established in 1906 to represent their interests. The NSFM continues to help municipalities in creating strong vibrant communities and advocates for their interests.

Currently, there are 49 municipalities and 21 villages in Nova Scotia. Together, these local governments include more than 400 elected officials and more than 7,000 municipal employees. All directly elected officials in municipalities serve a four-year term, and accordingly, municipal elections are held across the province every four years.



Role of Provinces and Federal Governments and Legislative Framework

Despite no formal constitutional status, municipalities are granted many powers by provinces, such as the ability to tax property, make laws (bylaws), and expropriate land for municipal needs. In Nova Scotia, this means that the Halifax Regional Municipality (HRM) is governed by the *Halifax Regional Municipality Charter* (Charter), while all other municipal governments are governed by the *Municipal Government Act* (MGA). The remainder of this guide focuses on the MGA. While the Charter is similar in many respects, councillors for HRM should ensure that they are familiar with the Charter and the specific provisions contained therein.

The *Municipal Government Act* sets out the roles and responsibilities of municipal governments along with the granting and restriction of their powers. There are other pieces of legislation that impact municipalities; however, the MGA is the main governing document of municipalities.

The MGA came into effect in 1999 and is regularly reviewed and amended in consultation with municipalities, NSFM, and the provincial government. Municipalities may also find themselves interacting with various federal departments and agencies; however, the granting and restriction of their powers lies with the provinces.

Areas of Municipal Responsibility

Under the MGA in Nova Scotia, there are no required services to be provided by a municipality. However, there are a number of different services that a municipality may opt to provide. Some services are also governed by additional legislation.

For example, under subsection 35(1) of the *Police Act*, “Every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.”

Services that a municipality may opt to provide:

- Fire protection services
- Solid waste collection
- Parks and recreation areas/community centres
- Wastewater treatment
- Streets and sidewalks (including snow removal and parking enforcement)
- Economic development
- Communities, Culture, Tourism and Heritage
- Animal control

- Building and fire code inspection
 - See also *Building Code Act*, subsection 5(2), “A building official or building officials shall be appointed by each council to administer and enforce this Act in the municipality.”
- Public transit
- Zoning and land use planning

It will be helpful to familiarize yourself with the different services your municipality provides in order to better understand the priorities of your council. Assessing which services will be provided and what service levels are offered is one of the most important tasks a council will face.

Roles and Responsibilities

Governance and Management

Municipal government can be divided along the lines of elected officials and municipal staff. The principal role of the elected officials is to govern, and to do so as a collective, while the principal roles of staff are to manage and implement.

The council of your municipality is composed of members who have been elected by your local voters. They may be elected by ward (divided by districts) or at large (across the entire municipality) depending on the system your local area utilizes. A council will have a minimum of three members, but many councils are larger depending on the size and number of polling districts.

Most municipalities employ a Chief Administrative Officer. The CAO is the most senior municipal official and is the only direct employee of council. They are the link between council and the rest of the organization and are accountable to council for the effective management of staff. The CAO has the responsibility of leadership for the effective management of the organization as a whole and staff as individuals, in order to ensure that day-to-day decisions reflect the strategic direction set by council.

Council

The primary role of a council member is that of governance. As a member of council, you will play a critical role in setting the strategic direction of your community. This means you and your council colleagues are responsible, as a collective, for the oversight and guidance of the entire organization. Individual councillors do not have decision making authority, all powers of the municipality are made by council as a whole. And as a team, you will participate in budgeting and financial planning, debating and adopting the bylaws that regulate the activities of citizens and businesses, and articulating the core values of your municipality.

A large portion of your time will be spent participating in council meetings and committees. As an individual member of council, you are expected to attend, participate, and vote in these various meetings. Missing three regular council meetings without permission can result in your dismissal from council. Regular attendance of councillors is expected under the MGA.

All council members are also required to vote during meetings, and any non-vote will be deemed as a vote against the issue (unless your council has a policy which states otherwise).

Councillors should carefully review the pre-meeting packages provided. These packages inform you of the agenda set for the meeting and provide important information on the issues. You will spend a lot of time in meetings, and being an effective leader means that you're prepared to have informed discussions on the issues with your fellow council members and to make informed votes on issues.

Staying informed about the concerns facing the greater community will also help you to discuss these issues when they arise at council. Best practices include regularly speaking with, and learning from, your constituents and their concerns in the municipality. Raising relevant issues at the council table is an important part of your role as the voice of the residents you serve.

Once elected to council, it is important to remember that you represent the entirety of your municipality, even if you have been elected under a ward/ district system. Your job on council is to govern strategically for the whole of the municipality. While robust debate is essential to effective decision making, in the end, council is a unified decision-making body. This means that once a decision is made, it is the decision of council, and individual councillors should avoid undermining the legitimacy of the institution.

Consider the perspective beyond your municipality and think about problems which may affect your region. Working with other councils and sharing resources can help provide innovative solutions to region-wide issues. Governing effectively for the benefit of your constituents means thinking broadly, looking for creative solutions, developing and strengthening partnerships inside and outside of your municipality, and working together as a team.

Mayor/Warden

A mayor is elected at large by all voters in a municipality and acts as the chair at council meetings. Prior to a meeting of council, the mayor consults with the CAO to set the meeting agenda. It is the mayor's job to ensure that meetings proceed smoothly, and that the agenda is followed. The mayor may also call a special meeting should an issue arise that requires immediate attention.

An effective mayor also provides leadership and direction to council but does not infringe on council members' opinions and voting. The mayor is not the political leader of council but rather a regular member with some additional responsibilities. While mayors are chairpersons

for meetings, they are still members of councils and have the same voting powers as all councillors.

The mayor is often also the “public face” of the municipality. This can range from attending consultations with government to attending events or performing ceremonial functions. The mayor may also act as a public spokesperson in the media; however, this can be designated to another member should council choose to do so. Members of the public often consider the mayor to be the primary leader of the municipality. This is often due to the visibility of the mayor’s role and not to any additional powers granted. It is council as a whole that makes decisions for the municipality, not one individual person.

A warden has a similar position to a mayor but is elected to the position of warden by their fellow councillors instead of directly by the voters. The warden has all of the same powers as a mayor. The position of warden is mostly found in rural municipalities, although a municipality may still opt to use general voting to elect a mayor.

The term of a warden is determined by the individual municipality; however, many use a term of two years. At the end of those two years, the council may choose to nominate and vote on the current warden or opt for a new chairperson. For the purposes of this guide, the term mayor will be used throughout, but most wardens will have similar responsibilities.

CAO and Municipal Staff

The Chief Administrative Officer is the primary member of municipal staff to interact with council. The person in this position acts as the organizational leader of a municipality, making important decisions such as hiring employees, planning budgets, and managing operations.

The CAO reports directly to council and is accountable to council for any decisions made under their authority as CAO. This is the only employee to directly communicate and take instruction from council. Council is in turn expected to provide the CAO with guidance and direction on their priorities for the community. The CAO is also responsible for preparing and submitting the annual budget and, following council approval, for administering the budget on behalf of the municipality.

Hiring a qualified CAO is one of the most important decisions a council can make in shaping how their municipality is run. Although the position of CAO is optional, the MGA does require a municipality to maintain specific staff positions. The required staff include clerk and treasurer (often the same person), engineer, and dangerous and unsightly administrator. Even in municipalities with no CAO, these positions are required to be filled under the MGA. These positions also have required duties to be completed by these employees under the legislation.

Some smaller municipalities do not use a CAO as their primary administrator. For these communities, a clerk/treasurer acts as the main administrator for the municipality while the council as a whole fills many of the roles of a CAO which results in a larger workload

for councillors. As a newly elected official, you will want to be familiar with the system your municipality uses so that you can effectively understand the organizational demands.

Other municipal staff may have limited interaction with council. This may be by way of staff reports and presentations to council. These types of updates should occur during regular council meetings, and requests should be made through your CAO. It is inappropriate for council members to direct municipal staff.

Any concerns regarding staff should be communicated directly to your CAO with other council members present.

Policy and Strategic Direction vs Day-to-Day Operations

Although briefly discussed above, it is important to note once more that council governs while staff manage. As a member of council, you are not individually responsible for the day-to-day operations of your municipality. Your role on council is to collectively hold the CAO accountable for the effective management and implementation of the strategic direction of the municipality while staying out of the way of organizational decisions needed to run the operations of the municipality.

This can be challenging when faced with complaints from citizens who may blame you for operational issues. However, your community has many challenges and opportunities ahead and needs a council focused on the “big picture.” Simply put, council needs to lead. Together, you and your fellow councillors will be responsible for articulating the long-term vision of your community.

This work is substantial and includes establishing and enforcing bylaws, adopting a strategic plan, setting overall service levels and programs that are delivered to citizens, leading land-use planning, encouraging growth and sustainability, approving operating and capital budgets, setting property tax rates, and so much more.

Other Organizations

In addition to your municipality, other organizations can be great resources for you:

Nova Scotia Federation of Municipalities (NSFM)

The NSFM is the association responsible for representing the interests of Nova Scotia municipalities. All municipalities in Nova Scotia are members. The NSFM provides a number of services to their membership, including programs, training sessions, and advocacy. As an elected official, your municipality is a part of this membership, and you will have access to a variety of resources the NSFM has for helping you and your municipality.

For more information, visit the NSFM’s website:

Home - Nova Scotia Federation of Municipalities (nsfm.ca)

Association of Municipal Administrators (AMA or AMANS)

The AMA is an association representing the administrative staff in Nova Scotia's municipal governments. This may include your CAO, financial staff, or other professional administrators from your municipality. The AMA works closely with the NSFM, Province of Nova Scotia, and municipalities in serving on various committees, building relationships between stakeholders, and helping to ensure a high standard for professional municipal administrators in Nova Scotia.

For more information on the AMA, visit their website:

Association of Municipal Administrators Nova Scotia - Home (amans.ca)

Federation of Canadian Municipalities (FCM)

The Federation of Canadian Municipalities represents municipalities across Canada on the federal level. The majority of municipalities in Nova Scotia are part of its membership. The FCM advocates in areas which have direct connection to the federal government for funding or regulations. Your council as a whole may be asked to provide input on various issues which affect your municipality.

For more information on the FCM, visit their website:

Home | Federation of Canadian Municipalities (fcm.ca)

Department of Municipal Affairs and Housing (DMAH)

The Department of Municipal Affairs and Housing is the provincial government department directly responsible for supporting municipalities in providing effective local governance and planning healthy communities; the department works with municipalities on a variety of issues. The Department is responsible for the Municipal Government Act - the governing legislation of municipalities. The Department provides both oversight and assistance to municipal governments across the province. The Department's divisions include: Strategic Policy and Planning, Governance and Advisory Services, Municipal Infrastructure, Municipal Finance, Planning, Housing, and the Office of the Fire Marshall.

DMAH can help your municipality in a number of ways, including providing information on programs, grants, and funding opportunities and by offering services and guidance in areas such as budget planning, land use, infrastructure, policy and program development. The Department's mandate is to help municipalities ensure that communities across Nova Scotia are healthy, safe, and vibrant.

For more information, please visit our website at:

<https://beta.novascotia.ca/government/municipal-affairs-and-housing>

Municipal Powers

Resolutions, Policies, and Bylaws

Councils have several different options when voting on issues. Depending on the issue, they may choose to use a resolution, a policy, or a bylaw. These powers have been granted to municipalities by the province under the MGA.

Resolutions – A resolution is a motion of council and once adopted it reflects the will of council. It may be offered in the form of a resolution due to its length, complexity, formality, or because it is required to be in this form. Resolutions are generally used when a council is conducting routine business. These are likely common administrative matters that require the approval of council. Resolutions are restricted to matters that do not specifically require a bylaw or policy under the MGA. They are not as strong as a bylaw or policy and do not have the same procedural requirements. For example, a resolution may recognize a local community member for their volunteer service, or approval for the municipality to proceed with capital borrowing.

Policies – For more important matters, a council may wish to set a policy on an ongoing basis. Policies direct the operations of the municipality on an on-going basis until altered in some way. To regulate some specific issues, policies may be required under the MGA, should council choose to legislate on that issue. Examples would include the rate on overdue property taxes, or the use of solid waste disposal facilities. For any issue that requires a resolution, council may also use a policy should they choose to do so. Policies are an important tool for council to set standards and procedures within a municipality.

Bylaws – Bylaws are the strongest legislative tool available to municipal councils and may regulate the behaviour of citizens. There are issues under the MGA where council is required to use a bylaw, although they may choose to utilize a bylaw for anything covered under a policy or resolution. Bylaws are often used for decisions that may have a long-term impact on the municipality because they are considered a stronger expression from council than a policy or resolution.

As a lawmaking body, it is crucial that council follow the proper procedure for passing a bylaw or it may be challenged in court. This includes a minimum of two readings at council meetings and public notice at least two weeks prior to the second reading. This will allow local residents to attend meetings and express their opinions on a proposed bylaw. Once a bylaw is passed, the municipality must notify the public via publication in a local newspaper. These are the minimum requirements under the MGA. Your council may have even stricter requirements for the introduction and passing of a bylaw under their policies, and all new councillors should be aware of their municipality's rules in this regard.

Areas of Jurisdiction

Municipalities are permitted to make resolutions or policies, or to pass bylaws concerning any areas delegated to them under the MGA. However, council members should be aware of any federal or provincial legislation that could potentially affect their decision. For example, zoning and land use planning for lands around an airport involves federal jurisdiction. Any municipal legislation may be trumped by provincial or federal statute under their respective jurisdictions.

It is important for council and their CAO to consult any relevant levels of government that may be affected by council action. Consulting prior to a project with relevant provincial and federal departments will help prevent possible delays and jurisdictional issues.

Limits on Council Action

Council should be aware of the limitations on their actions. A municipal bylaw cannot override any existing provincial legislation. By attempting to act on a power not granted to municipalities under the MGA, a council may open itself up to legal action. If a council has questions regarding its ability to act on a specific issue, it should first contact its municipal solicitor. Members of council should familiarize themselves with the areas of municipal jurisdiction and act within that scope.

If a municipality acts beyond its scope of authority, a court may strike down the action as “ultra vires” meaning beyond their legal power or authority.

Policies and Procedures

Your municipality may have already developed an organizational bylaw and procedural bylaw. An organizational bylaw sets out the structure of the municipality, while a procedural bylaw covers council and the correct procedures for setting, announcing, and conducting meetings. As a councillor, it will be helpful to familiarize yourself and understand the rules specific to your municipality. Council should also review these bylaws regularly to ensure that they are functioning for the current needs of the municipality.

Council Business and Meetings

Your council should have already set regular meetings on a recurring day and time in order to ensure residents know when council will meet and to attend if they wish to do so. Your municipality may have a procedural bylaw that establishes time, date, location, and public notice for meetings. This bylaw should be reviewed often to ensure that the current procedures meet the needs of your municipality.

Generally, meetings are on a weekday evening to ensure that both councillors and residents can attend. Council meetings may include other measures to improve accessibility of their

meetings, such as providing opportunities for virtual attendance. Resources are available to provide guidance on hosting accessible in-person meetings (https://novascotia.ca/accessibility/Accessible_Events_Guide.pdf) and accessible virtual meetings (<https://novascotia.ca/accessibility/docs/online-Accessible-Events-Guide.pdf>).

While council can meet privately on specified matters, all decisions and voting are to be made during public council meetings. For all open council meetings, minutes are drafted and sent to members of council prior to the start of their next meeting.

Councils are required to have a Virtual Meeting Policy in order to participate in—or conduct a meeting of—Council in a virtual setting.

Meeting Minutes

Minutes of each council meeting are recorded and distributed to members of council following the meeting. At the beginning of the next meeting, council approves the minutes of the previous meeting. These minutes are available to the public and allow residents to review the business of council if they are unable to attend a meeting. Many municipalities post these minutes on their website or provide other methods of public access.

Conduct of Business

A council meeting proceeds according to the agenda prepared by your CAO. Following the approval of the previous meeting's minutes, council moves to the agenda for the current meeting. This is the agenda that the mayor follows when chairing the meeting. Generally, an agenda starts with the most important items of business and moves down to the least important. This allows for increased engagement in the most important issues facing a municipality.

Your CAO should distribute the agenda and any additional documents prior to the meeting so you can review them. Reviewing these documents will allow you to follow the meeting as it progresses and participate in discussions on the issues.

Rules of Procedure

The rules of procedure for your council meetings may already be established in a procedural bylaw. These are the rules that determine how council meetings are conducted. A council may have established their own rules of procedure or use a standard version such as Robert's Rules of Order or Bourinot's Rules of Order. Familiarizing yourself with these rules is an important part of understanding how your council conducts business during meetings. It would be helpful to have a reasonable understanding of your council's specific rules prior to your first meeting.

Attendance/Preparation for Meetings

Councillors are expected to be in attendance for meetings. Missing more than three consecutive regular meetings without permission from council could result in your dismissal. Preparation is also extremely important in your role as a councillor. Without proper preparation, it may be hard to follow discussions and provide an informed vote on an issue before council. Serving as an elected official can be a rewarding experience, but it does take commitment and preparation to be effective as a member of council.

Quorum and Voting

Quorum is the minimum number of councillors required in order to have a valid vote. Under the MGA, a quorum is defined as the majority of the maximum number of elected members on council, including the mayor. This means that if there are six elected officials on council, then a minimum number for quorum would be four (including the chairperson for the meeting). Because voting is mandatory, as long as you are in attendance, you are counted as part of quorum. Please be aware that there are some exceptions to quorum based on possible vacancies and any conflicts under the Municipal Conflict of Interest Act.

Legal Considerations

It is important that council conducts itself in accordance with the applicable legislation (e.g., the MGA) along with any rules or procedures adopted by your municipality. A council could open itself up to legal action should it act outside of its jurisdiction as set out under the legislation. The primary areas of municipal jurisdiction can be found in the MGA under Part III – Powers, but there are other pieces of legislation that also touch on municipal authority (e.g., *Building Code Act*, *Emergency Management Act*, etc.).

Open/Closed (In Camera) Meetings

All council and committee meetings should be open to the public, unless the specific matter/issue fits into one of a limited number of exceptions and council deems it appropriate to go into closed session. This allows citizens to voice their concerns and permits council to operate in an open and transparent manner throughout the legislative process. When council meets privately, these closed meetings are known as “in camera” sessions. Council is permitted to meet in camera to discuss the following issues:

- Purchase, sale, or lease of municipal property
- Setting minimum prices for a tax sale
- Personnel issues, labour relations, or contract negotiations
- Litigation or potential litigation
- Legal advice eligible for solicitor-client privilege
- Public security
- Alleged breaches of the municipality’s code of conduct

It is only for these issues that council is permitted to meet privately, and it is at the discretion of council (see section 22 of the MGA).

The purpose of private meetings is to protect sensitive information. Council cannot vote during an in-camera session with the exception of procedural matters and directions to municipal staff or solicitors. If the matter requires a vote, council must make this vote in open (public) session. The meeting record will show the date and type of matter that was discussed but include no further details. Discussion during a public meeting is still required prior to a vote on the issue. A closed meeting cannot be used to “rubber stamp” an issue prior to a vote in public.

It is vital that you do not publicly discuss any matters that have been disclosed during a private meeting. It is possible to be held personally liable for publicizing information that results in a loss to your municipality. While the intention is to be as transparent as possible, there will also be times when legal limitations prevent you from disclosing specific information.

Special Meetings and Emergency Meetings

Council may also hold additional meetings to deal with any urgent business that cannot be postponed until the next scheduled meeting. However, for these meetings, councillors must receive a minimum of three days’ notice along with two days of notice to the public prior to the meeting. A special meeting may be called by the Clerk at the request of the mayor or by a majority of the councillors submitting their own request.

Council is also permitted to hold emergency meetings with as much notice as possible under the circumstances. These meetings would be called by the mayor and do not have the same notice requirements as a special meeting. Emergency meetings are a rare event intended to deal with an immediate crisis event and not simply urgent council business.

Standing, Special, and Advisory Committees

Committees will often be established to provide information and guidance to councils. Standing committees are created to advise council on ongoing business such as financial matters or land use planning. A council may also establish a special committee to provide further information to council on a specific issue, and the committee will be dissolved once council has found a resolution.

Your council may establish committees as they see fit. Councillors may serve on committees alongside members of the general public. Committee members are appointed by council, and any member of council may serve on a committee.

For special committees, a councillor would not be appointed if there was a conflict of interest at issue. Committee meetings should be open to the public and are subject to the same public notice requirements as council meetings outlined above.

Municipal Conflict of Interest Act (MCIA)

General Ethics Overview

As an elected official, you can be held accountable for a breach of ethics to both the general public and any government regulations concerning your position. You have been elected to serve the public good, not to use your position to increase your personal wealth or that of your family. When making decisions as an elected official, it is always important to consider the ethics of your choices. While the majority of elected officials do not breach ethical guidelines intentionally, it is important to be aware of and avoid any accidental violations.

In particular, you should be aware of the *Municipal Conflict of Interest Act* and how it applies to you as a councillor. A “conflict of interest” occurs when a matter before council will result in a net financial benefit for you, an immediate family member, someone living with you, a company or organization that you have an interest in, etc. An example would be council deciding on the company to use to repair a municipal public pool and your spouse’s pool service company has provided one of the bids. Any doubts you may have about a conflict should be disclosed or at a minimum discussed with a solicitor for further clarity. If you are in a conflict, you must not participate in the decision-making process in any way. When in doubt, sit it out!

As a councillor, it is your responsibility to be proactive in knowing the upcoming agendas for council meetings. This is so you can make yourself aware of any potential conflicts of interest. Failing to disclose, even if unintentional, can still create unnecessary headaches during your time as a councillor. As an elected official, you may also want to consider the perception of a conflict or ethical breach. While an issue may not exist, the perception of one could be damaging to both your reputation as an elected official and your municipality. Avoiding conflicts of interest is extremely important as a municipal councillor. Becoming involved in a conflict of interest can cause potential legal issues both for yourself and the municipality. Legislation has been created to protect the public and municipalities from being used for personal gain by elected officials or their families. The full text of the *Municipal Conflict of Interest Act* can be found online: *Municipal Conflict of Interest Act* (nslegislature.ca).

Limiting Your Participation

If you suspect you have a pecuniary (financial) interest in an item on council’s agenda, you must immediately excuse yourself from the council table. You cannot participate in debate or vote on an issue where you or your family have a pecuniary interest. Even if you are not in attendance at the meeting where the conflict would have occurred, you must disclose the conflict at the next meeting you attend.

Under the MCIA, even informal meetings can be considered council business. Therefore, you should avoid discussing with your fellow councillors any issues which may trigger a conflict of interest for you.

Once you have disclosed the conflict, you cannot attempt to influence council in any way regarding the issue in question. However, it is best practice to leave the council room entirely and avoid any potential influence from your presence.

Consequences

If you are found to have violated the MCI, there could be serious penalties. An application for review can be made by the Nova Scotia Attorney General or a citizen of your municipality.

This application will be reviewed by a judge who must declare your seat vacant should a breach be found. A judge can also issue a ban on running for office, order restitution, and/or levy a fine (with the possibility of jail time for failing to pay the fine). A judge may also find the violation was a result of “inadvertence or bona fide error in judgement.” This would mean that the violation was an honest mistake, and the judge would not be forced to declare the council seat vacant.

To avoid this process entirely, proactive disclosure is the best practice as an elected official. Conflicts of interest should be an important consideration at all times for any elected official. It is your responsibility to ensure that you follow best practices to avoid any potential issues. It may be helpful to review the MCI to fully understand the scope of potential conflicts of interest or speak with a solicitor if you have further questions.

Communication/Engagement with the Public

As a newly elected official, you are now a visible representative of your municipal government. This means that local voters will want to share opinions and, potentially, frustrations with you when they see you in public.

This is not limited to when you are at the council table. It may mean speaking with residents whenever you are in the community. While this may not be convenient for you, it is helpful to remember to respect the opinions of residents and not make them feel ignored.

As a municipal councillor, it can be a challenge to balance your personal time with your role as an elected official. Remember to remain professional and express to the resident that perhaps another time would be better for a discussion if you feel it is not a good time for you.

Community Opinions

Not all voters will necessarily agree with your votes on council or the decisions of council as a whole. As an elected official, it is your role to listen and understand their opinions. While you may disagree or feel they are fringe opinions, remember that you represent all members of the community. They have elected you to serve them and as a result you should do your best to hear the opinions of all community members, not just those who support you.

Depending on your municipality, you may have increased visibility and recognition as an elected official. Being respectful and polite when dealing with members of the public will be helpful as an elected official and a public face of local government.

Public Participation

Participation by the public is a key factor in ensuring a healthy and representative democracy. Residents should feel that their council provides enough opportunities for feedback and community opinions. Your council should provide ample opportunities for public engagement.

Council should set regular meeting times so that members of the public know when council is in session. Holding meetings on weekday evenings is often the most recommended time period for promoting resident engagement.

Council should also strive to provide as much notice as possible for any special or emergency meetings they may hold. Open and transparent meetings help residents feel connected to the municipal decision-making process and that their opinions are heard by council.

Nova Scotia is a diverse province. Almost 38% of Nova Scotians have a disability, and this increases to 49% for Nova Scotians aged 65 and older. Council should consider developing

public engagement approaches to ensure participation from persons with disabilities, African Nova Scotians, Indigenous people, newcomers and others that may be underrepresented and underserved. Resources are available to provide guidance on engaging with persons with disabilities (<https://accessible.novascotia.ca/resources/engaging-persons-with-disabilities>) and other groups through the AMANS Equity, Anti-Racism and Accessibility Support Program.

Nova Scotia is committed to addressing inequity, systemic hate, racism and ableism, and to supporting underrepresented and underserved communities. A more equitable and inclusive Nova Scotia includes being a more accessible province where all Nova Scotians have the opportunity to participate in all that our province has to offer.

Media

Occasionally you may encounter questions and inquiries from members of the local media. Depending on the events covered, you may find this is your local newspaper or even regional television stations for a larger news event. Your municipality should have a designated representative who speaks for the municipality as a whole.

In some municipalities, there may be several media-trained staff who speak on different areas of expertise. Your CAO should be able to provide the contact information for your municipality's spokesperson should a media request be received.

Access to Information and FOIPOP

Freedom of Information and Protection of Privacy (FOIPOP) is covered under Part 20 of the MGA. There are a few important highlights from this section to understand as a newly elected official. While most of the FOIPOP processes are handled by municipal staff, it is important to be aware of the system and what is covered under FOIPOP.

Citizens are entitled to an open and transparent municipality. These practices help instill confidence in government and allow access for those who wish to become involved. Best practice would be to have the majority of municipal documents easily available to citizens, allowing for open and transparent operation of the municipality. This could include posting certain documents online, including meeting minutes and approved municipal budgets. You should be aware that, as an elected official, the majority of your work as a councillor will be available to the public upon request. It is important to remain professional at all times while conducting business as a member of council.

The grounds for withholding municipal documents are limited and, as a result, almost all of your work on council will either become part of the public record or accessible through a FOIPOP request. Remember that in using council resources, such as municipal email, your communications are subject to FOIPOP. Therefore, it's probably best to avoid making editorial comments about specific individuals; stick to the facts.

As a whole, almost all of a municipality's business is covered under freedom of information access. This includes committees, regular council meetings, reports, and potentially other business of the municipality. However, a municipality is also required to protect the personal information of both employees and citizens.

Information that may not be disclosed includes personal health records, specific information on work-related injuries, and some personal information provided by residents during their interactions with the municipality. Please note that a citizen may request specific information about themselves if the municipality has such information on record.

Under the legislation, a municipality must comply with an official FOIPOP request within 30 days. There is an option to request an additional 30 days. If a municipality does not comply within that time frame or request an extension, its response is considered a refusal. A refusal may be subject to a review process by the Information and Privacy Commissioner (formerly known as the Review Officer) if requested.

The MGA specifies the CAO (clerk or designated official where there is no CAO), or his/her delegate, as the staff responsible for FOIPOP matters within your municipality, including processing of any freedom of information requests. If you have further questions on any issues about freedom of information or personal privacy, other resources include the Department of Municipal Affairs and Housing, NSFM, and your municipal solicitor.

Citizen Complaints

Addressing complaints from local residents is an important part of your new role as councillor. While most issues of this nature will be raised during council meetings or in conversations with residents, there are formal processes in place should citizens feel their municipality has acted improperly. These processes also provide citizens with the ability to challenge the municipality should they feel their complaint was not appropriately addressed.

Ombudsman

If a citizen feels they have been treated unfairly by the municipality, they may opt to file a complaint with the Nova Scotia Office of the Ombudsman. This is an independent provincial office designed to investigate complaints involving the administration of any law of the province, or any law that applies to the municipal unit. This includes complaints regarding administration by provincial and/or municipal government, along with any agencies, boards, or commissions.

Specifically, the Ombudsman can investigate and make recommendations with respect to:

- Government programs and services
- Fairness and accountability issues
- Youth and seniors' issues
- Alleged wrongdoing by government officials

During your time on council, your municipality and/or council members may be subject to a complaint to the ombudsman. The Office of the Ombudsman process is often only used after a citizen feels a complaint has not been addressed through any internal processes currently available within the municipality itself, and all available external avenues of redress have been exhausted. The Ombudsman's Office will investigate and may provide recommendations based on the original complaint. The Ombudsman may also initiate an investigation on its own initiative and make recommendations following an "own motion" investigation. As a member of council, you may be required to address recommendations provided by the ombudsman as part of your council business. This may include examining the current procedures and policies as practiced in your municipality.

For more information, please visit the Nova Scotia Office of the Ombudsman's website: <https://ombudsman.novascotia.ca/>

Code of Conduct

Municipalities are legislatively required to have a code of conduct for elected officials to adhere to. In October 2024, the Minister of Municipal Affairs and Housing released regulations relating to municipal codes of conduct. These regulations include required behavioural provisions elected officials must adhere to. If an individual chooses to file a complaint against an elected official for a suspected breach of the code of conduct, then the municipally appointed investigator will review the complaint to determine if there is merit. If it is determined there is merit to the complaint, then the investigator will conduct an investigation and provide a recommendation to council on whether a breach occurred, and what sanction council could impose. The sanctions available to levy on members are found in the regulations. Ultimately, council will determine whether the member breached the code and determine the sanction they would like to impose on the member. The investigator's decision, and council's decision will be made public.

As a member of council, you will be required to adhere to the prescribed code of conduct. It is recommended you familiarize yourself with the regulations because training will be mandatory throughout your four-year term.

The Municipal Code of Conduct is available by selecting "Municipal Government Act" or "Halifax Regional Municipality Charter" at the following link: <https://novascotia.ca/just/regulations/regsbyact.htm>

Courts

Citizens have the right to initiate a court action against their municipality. A court challenge can be a long and expensive process, and for these reasons, it is likely the last resort for a resident.

Council should always follow proper procedures and policies and remain within their legislative scope to avoid challenges to bylaws, policies, or resolutions. Your council and

municipal staff should contact a solicitor immediately regarding any legal action taken against the municipality.

Equity, Anti-Racism and Accessibility Plans

Municipalities are critical partners in ensuring that Nova Scotia is a welcoming and inclusive place for all who call this province home.

Both the *Dismantling Racism and Hate Act* and the *Accessibility Act* allow government to prescribe municipalities—as prescribed public sector bodies (PPSBs) —to meet several legislative obligations, including the creation of plans to address the goals of each Act.

Through the Office of Equity and Anti-Racism (OEA), and with the support of the Accessibility Directorate and DMAH, AMANS is supporting municipalities and villages to meet these legislated requirements.

Financial Management

The Role of Council

Council has an important role in the financial management of its municipality. Council will sometimes make challenging decisions and set priorities based on what it believes to be in the best interests of the community. Councillors are not expected to be financial experts but should have a reasonable understanding of the financial health of their municipality.

Your CAO will provide the majority of financial management, subject to council approval. As part of council's responsibilities, it must approve the annual budget submitted by the CAO of the municipality. Council is also responsible for approving services and service levels to be delivered by the municipality. Council may also be required to approve large expenditures or contracts entered into by the municipality. However, the budget administration and routine purchases will be managed by your CAO.

Over the course of the year, council should receive regular updates (e.g., monthly, quarterly, etc.) on the budget and spending from your CAO. This allows your council to respond to any unexpected adjustments which may be required. Council needs to continuously monitor the municipality's finances over the year to ensure that priorities are being met and services are delivered as intended. Monitoring the municipality's finances is also important as the municipality cannot run deficits. If a deficit is incurred, the municipality is required to include the deficit in the following year's budget.

Annual Audits

Every year the municipality will hire an independent municipal auditor registered with the Province of Nova Scotia. The municipality is required to establish an audit committee (composed of council members and at least one citizen representative who is not a member of council or an employee of the municipality) and an audit committee policy. It is recommended that at least one member of the audit committee be financially literate. The audit committee reviews the annual audited financial statements as prepared by the auditor, reviews the adequacy of the audit including any internal control deficiencies or weaknesses noted by the auditor, and investigates any issues found. The municipal auditor then reports to council and presents the audited financial statements for approval.

The audit committee's review is more detailed than what would typically be discussed during a council meeting; however, the final approval of the audit must come from council. Once the audited financial statements have been approved, they must be submitted to the Minister of Municipal Affairs and Housing by September 30 of each year. As outlined in the Municipal Grants Act (Section 19B), grants will be withheld until the audited financial statements along with other required information are submitted to DMAH. Details on specific financial reporting requirements can be found within the Financial Reporting and Accounting Manual. DMAH

reviews municipal audited financial statements each year to ensure that municipalities remain financially healthy and sustainable for the future. Municipalities make the reports linked to these annual documents public, and they can be reviewed by both residents and other municipalities.

Financial Reporting

In order to help municipal governments with financial transparency, the Department of Municipal Affairs and Housing publishes the Annual Report of Municipal Statistics, Financial Condition Indicators, and Municipal Profiles online. The Financial Condition Indicators (FCI) provide a quick summary of finances. It includes 13 key indicators that provide an overview of a municipality's financial health.

Municipalities can use this tool to evaluate themselves against the recommended threshold and track how its financial situation has changed over time. It is important to remember that each municipality may face individual challenges and that the reports cannot always reflect unique situations faced by communities. Therefore, it is important to review the comment section to gain more context around what is impacting the indicator(s).

These reports are made public to provide residents with open and transparent financial reporting for their municipal governments. Financial reporting is an important check-up to ensure municipalities are continuing to move in a positive financial direction. The FCI helps municipalities understand financial trends year over year for both positive and negative directions.

More information, including the above-noted reports, is available on-line at:
<https://beta.novascotia.ca/programs-and-services/municipal-finance-and-statistics>

Council Expense Reporting Requirement

Council members incur expenses while carrying out their duties, and certain expenses are eligible for reimbursement from the municipality. The municipality is required to have an expense policy and hospitality policy that prescribes eligible expenses and approval processes. For reimbursed expenses, the municipality is required to post the expenses by the council member on the municipality's website within 90 days after the end of each quarter, along with the CAO's expenses. The reportable municipal expenses for online reporting include travel and travel-related expenses, meals, and professional training and development expenses. In addition, the municipality is required to submit the Annual Summary Report to the Department of Municipal Affairs and Housing by September 30, and the Annual Summary Report must be reviewed by the audit committee before it is submitted.

Taxes and Revenue Sources

The main source of revenue for your municipality is property taxes. More than 75% of municipal revenue comes from property taxes for most municipalities.

The right of a municipality to tax residents is provided for under the MGA and the Assessment Act. Taxes are calculated using the taxable assessed value of a property times the municipal tax rate (residential or commercial).

The assessment is done by the Property Valuation Services Corporation (PVSC). It is an independent, not-for-profit organization responsible for valuing all real property in Nova Scotia on an annual basis.

Each January, PVSC provides an assessment roll to municipalities which is used to calculate property taxes and it delivers property assessment notices to every Nova Scotia property owner.

PVSC adheres to mass appraisal standards set by the International Association of Assessing Officers and is mandated by the Nova Scotia Assessment Act and governed by the Property Valuation Services Corporation Act. The PVSC is funded by all municipalities across the province under a formula outlined in its governing legislation. To support administrative and operational efficiencies, the PVSC also provides value-added property and information services to municipalities.

If you have questions about property assessment or would like more information about their services, you are encouraged to contact the PVSC. Also, residents of your municipality should be directed to the PVSC's service centre when they have questions about their property assessment. The PVSC can be contacted at 1-800- 380-7775, Monday to Friday, from 8:30 am to 4:30 pm. Property information and tools and resources can also be accessed at their website: [PVSC - Property Valuation Services Corporation | Property Valuation Services Corporation](#)

Council is responsible for setting tax rates in line with the budgeted needs of the municipality for the year. Council may choose to set separate rates for residential and commercial properties. They may also alter tax rates for different service levels experienced by rural, suburban, and urban residents. It is important for council to consider the services that residents enjoy so that those who do not receive certain services are not required to cover the costs.

It is also important that council carefully consider the priorities and services they would like to provide when setting the tax rate in line with their annual budget. Councillors are not expected to act as financial experts, and your CAO should provide guidance. As a councillor, however, you should still familiarize yourself with the outline of the budget and municipal priorities in order to be engaged during the budgeting process.

Another source of revenue for municipalities is grants. Grants provided to a municipality may have specific conditions attached depending on the type of grant and program it supports. There are a wide variety of grants available to municipalities from both provincial and federal programs.

A municipality may also generate additional revenue from direct programs they provide. Municipalities are permitted to charge user fees for certain services provided, such as recreation facility fees, along with licensing regimes such as dog licensing. User fees allow a municipality to provide a service where the cost is directly attached to use of the program. Licensing regimes allow a municipality to help subsidize the cost of a service by creating revenue from an area it has jurisdiction over, such as animal control.

Asset Management

Municipalities often provide essential services such as transportation, water treatment and distribution, wastewater conveyance and treatment, stormwater collection, solid waste management, recreation and fire protection services, though the range of services may vary depending on the municipality. Delivering these services relies on a wide range of infrastructure assets (for example, roads, buses, pipes, buildings, etc.).

Asset management is fundamentally about balancing costs, service levels and risks to most effectively provide services in a sustainable manner over the long term. This requires an understanding of what infrastructure is owned by the municipality, its condition, the expected service levels, the risks to those service levels, and the costs to manage the infrastructure over its lifecycle.

It is important that council understands how decisions about municipal assets affect the budget and the quality of services. Asset management is an important part of municipal governance and needs input from different experts like management, finance, engineering, operations, etc. This requires regular condition assessments, forecasting future demands and considering the lifecycle costs of assets in order to get the most value from the services these assets provide.

Effective asset management helps the municipality to balance service levels with financial sustainability, which can minimize unexpected costs and service disruptions.

As a councillor, it's important to understand what services the municipality provides, what infrastructure enables these services, and the expected levels of service provided by the municipality. Councillors play a key role in setting the direction for municipal asset management policies by ensuring that enough funds are set aside to maintain and improve the municipality's infrastructure, ultimately contributing to long-term sustainable service delivery.

Borrowing

Municipal borrowing can play an important role in financing both capital and operating needs, though the purposes and considerations for each type of borrowing differ. The MGA provides council with the authority to borrow, for capital and operating purposes, subject to restrictions.

Capital borrowing is used to fund long-term infrastructure projects, such as road construction, water treatment facilities, municipal buildings, etc. These types of projects are usually expensive and often exceed the money a municipality has available in a single year. Borrowing allows the cost to be spread over many years, so both current and future residents help pay for these long-term improvements.

When making decisions around capital borrowing, council needs to consider the municipality's ability to repay its debt, which could limit future borrowing capacity, increase financial risk and could lead to higher taxes or reductions to services.

Operating borrowing, on the other hand, is typically short-term and is used to address temporary cash flow shortages within the operating budget, which may arise from timing differences between operating expenses (like salaries, utilities, maintenance) and revenues (like property taxes). While some borrowing for operational needs is permitted, it is limited by the MGA. Prudent fiscal policy primarily funds operating expenses from annual revenues. Relying too heavily on operating borrowing can be a sign of structural financial issues and pose risks to long-term municipal sustainability.

It's important for councillors to understand the difference between these two types of borrowing and the risks involved with each. While capital borrowing allows for long-term investments, over-borrowing can place a heavy burden on the municipality's financial health. Similarly, relying too much on operating borrowing can signal underlying financial issues. Councillors need to balance the immediate benefits of borrowing with the long-term impact on the municipality's financial stability.

Budgets

Your CAO will draft and create the budget for your municipality. However, council must approve the budget put forward. This is council's opportunity to provide feedback on the budget and direct the CAO to make adjustments if necessary.

The financial year for municipal governments begins on April 1 and ends March 31 of the subsequent year. It is important for council and its CAO to begin the budgeting process as early as possible to avoid delays.

Best Practices

Regional Enterprise Networks (RENs)

The Regional Enterprise Network (REN) model is a powerful vehicle for coordinating the development efforts of different jurisdictions and generating greater cooperation and policy alignment across the province. The RENs have been developed through cooperation between DMAH, municipalities, and First Nations across the province.

RENs provide regional economic development leadership, develop and implement regional strategies, and cultivate meaningful relationships with the business community in various industry sectors. RENs improve regional workforce gaps by navigating employers and employees to various labour force participation programs and resources. RENs act as a catalyst for regional change by bringing together business communities, the province, municipalities, First Nations, and other groups in economic development.

Councils can work alongside RENs to help with the economic development initiatives in their communities. The RENs are a valuable tool available to councils should they choose to engage in economic development as outlined under the MGA.

Setting Municipal Priorities

Together with your fellow councillors, you will want to assess the current state of your municipality along with your priorities as a council. This may involve a number of examinations including effectiveness of current programs and services, potential services to offer, budget and projected revenue, and many other factors. By examining these priorities early, a council can set goals and expectations and have informed discussions on what each councillor wants to see the municipality prioritize during the council's term.

Municipal Planning

Planning can be an important part of setting council's long-range vision for a community. Amendments were made to the *Municipal Government Act* and the *Halifax Regional Municipality Charter* as it relates to planning on September 25,

2018. These amendments mandate that municipalities create land use plans to meet specific requirements. These requirements reflect a minimum threshold for land use planning. The amendments also require municipalities to consult with neighbouring communities when adopting or amending their plan.

By adopting a planning strategy, council provides a vision to residents on where future development should occur within a community. Section 214 in the MGA, and section 229 of

the HRM Charter outline the mandatory as well as discretionary policy options. The *Minimum Planning Requirements Regulations* provide further direction to municipalities on the form and content of municipal plans. Requirements for the development of a policy on engaging with neighbouring municipalities regarding planning changes are found in the *Engagement Programs Content Regulations*.

By adopting a proactive approach to planning, councils can avoid having to continually make ad-hoc decisions regarding future development. Planning can help assure businesses and residents that their potential investment is protected and helps them to predict who their neighbours may be in the future. Council may also adopt plans of various lengths depending on their vision and priorities for municipal development.

Equity, Anti-Racism and Accessibility Plans

Municipalities are critical partners in ensuring that Nova Scotia is a welcoming and inclusive place for all who call this province home.

Both the *Dismantling Racism and Hate Act* and *Accessibility Act* allow government to prescribe municipalities, as prescribed public sector bodies (PPSBs), to meet several legislative obligations including the creation of plans to address the goals of each Act.

Through the Office of Equity and Anti-Racism (OEA), and with the support of the Accessibility Directorate and DMAH, AMANS is supporting municipalities and villages to meet these legislated requirements.

Working Collaboratively as a Region

With ever-increasing service expectations and limited human and financial resource capacity, municipalities should consider working with neighbouring municipalities to address regional needs.

Relevant Legislation

While the MGA and Charter are the primary pieces of legislation that impact the day-to-day activities of municipalities, there is other legislation that impacts municipal governments as well. The following are some of the more common pieces of legislation that you may come across as a council member. However, please note that this is not a complete list, and is intended only to provide a high-level overview of the legislative framework in which municipalities operate.

Municipal Conflict of Interest Act

This is an important piece of legislation for elected officials for ensuring that their actions as councillors do not create conflicts of interest. Violation of this legislation could have serious consequences for both the councillor and the municipality.

Municipal Elections Act

This legislation governs the eligibility of candidates and procedures to be followed for municipal elections. You may already be familiar with this legislation through your own election.

Municipal Grants Act

This legislation provides grants in lieu of taxes on provincial property as well as financial capacity grants for municipalities.

Accessibility Act

The Accessibility Act was passed in 2017. It recognizes accessibility as a human right, and it sets a goal for an accessible province by 2030. The purpose of the Act is to achieve accessibility by preventing and removing barriers that disable people.

Under the Accessibility Act, municipalities were prescribed as public sector bodies. This means that municipalities must:

- Establish an accessibility advisory committee
- Develop an accessibility plan and make it publicly available
- Update the accessibility plan every three years
- Seek input from persons with disabilities and organizations that represent people with disabilities when preparing an accessibility plan

The Accessibility Act allows Government to develop, enact and enforce accessibility standards (regulations). As a prescribed public sector body, municipalities will be required to comply with accessibility standards, once enacted. Municipalities are an important partner in making our communities across Nova Scotia more accessible.

Assessment Act

This legislation sets out the rules and exemptions for property taxation, the largest source of revenue for municipalities.

Other legislation relevant to a municipality:

Artists' Municipal Tax Exemption Act

Building Code Act

Cape Breton Island Marketing Levy Act Clothesline Act

Daycare Act

Education Act

Dismantling Racism and Hate Act

Emergency 911 Act

Emergency Management Act

Fences and Detention of Stray Livestock Act

Fire Safety Act

Heritage Property Act

HRM Charter Act

HRM Marketing Levy Act

HRM Water Commission Act Homes for Special Care Act

Human Rights Act

Income Tax Act Interpretation Act

Land Registration Act

Land Titles Clarification Act

Motor Vehicle Act

Municipal Finance Act

Municipal Fiscal Year Act

Municipal Hospital Loans Act

Municipal Housing Corporation Act

Municipal Loan and Building Fund Act Occupational Health and Safety Act

Ombudsman Act

Pay Equity Act Pension Benefits Act

Personal Information International Disclosure Protection Act

Police Act

Policing Services Act
Private Ways Act
Property Valuation Services Corporation Act
Public Highways Act
Public Procurement Act
Public Service Act
Public Utilities Act
Rural Fire District Act
Sales Tax Act
Sheep Protection Act
Smoke-free Places Act
Summary Proceedings Act
Theatres and Amusements Act
Trade Union Act
Trails Act
Utility and Review Board Act
Wharves and Public Landings Act
Workers Compensation Act
Yarmouth Marketing Levy Act

