

SPECIAL MEETING OF COUNCIL

January 20, 2003

The meeting was called to order by the Warden at 7:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., on Monday, January 20, 2003, with the following members present:

- Warden Sterling Belliveau
- Deputy Warden Eddie Nickerson (7:05 p.m.)
- Councillor Angus Atkinson
- Councillor Fred Bower
- Councillor Louise Halliday
- Councillor Dwayne Hunt
- Councillor Wayne Smith

- Brian Holland, Municipal Clerk
- Stephen Feist, Municipal Advisor

PURPOSE OF THE MEETING

The purpose of the meeting was for our Municipal Advisor, Mr. Stephen Feist, to address Council and the Clerk regarding the roles and responsibilities of Council and staff.

PRESENTATION AND DISCUSSION

Mr. Feist made a power-point presentation to councillors regarding the roles and responsibilities of council and staff as indicated in the Municipal Government Act.

He indicated that there are “grey” areas in the Municipal Government Act which allows for varying interpretations depending on how authority is delegated.

He indicated that Section 24(1) allows for the use of committees, and that it is a “grey” area as to what committees can do. The Act does indicate that Council can delegate powers and duties to committees except the power to expend funds and this can be done through by-laws or policies that establish committees.

Section 30(4) indicates the delegation of CAO duties. What duties of the CAO can be delegated requires a legal interpretation. Mr. Feist indicated that 19 of 55 municipal units in Nova Scotia have council acting as CAO (34.5 %). Six (6) of twenty-one (21) rural municipalities in Nova Scotia have council acting as CAO. There are advantages and disadvantages to both the CAO system and to the council acting as the CAO system.

Mr. Feist compared council’s role to that of a Board of Directors in private business. He suggested that it may be advisable to have a consultant review the role of the CAO and the administration of our Municipality, and that Service Nova Scotia may cost-share in providing the services of a consultant.

Mr. Feist indicated that the CAO also acts as Clerk-Treasurer in some municipalities. He also indicated that the Warden remain as spokesperson for council. When asked, Mr. Feist indicated that the Warden or Mayor cannot be appointed CAO because he or she is not an employee of the municipality.

Section 22 of the Municipal Government Act indicates that committees may meet in closed session to discuss certain matters. This again is a “grey” area.

Mr. Feist, when asked, indicated that council can discuss a personnel evaluation without the employee being present. He also indicated that Section 505 of the Act provides that an offence is being committed when the Act is not being followed. Mr. Feist will supply a list of municipalities that have had consultants do a Administrative Systems Study for their municipal unit.

Having completed his discussion with members, Mr. Feist retired from the meeting at approximately 8:40 p.m.

ADJOURNMENT

Moved by D. Hunt that the meeting adjourn at 8:40 p.m.

Motion carried.

Warden

Secretary for the Meeting

Copied for Councillors on January 22, 2003 by Sharon Brannen.

