

Local Governance Orientation



Orientation - gouvernance locale

DROIT LAW
JURIS

Effective Governance and Administration Gouvernance et administration efficaces

Local Governance Orientation /
Orientation sur la gouvernance locale

January 19, 2023

19 janvier 2023

Ordre du jour / Outline

1. Contexte législatif
2. Gouvernance et administration
3. Défis

1. Legislative context
2. Governance and Administration
3. Challenges

Contexte / Context

1. Contexte législatif
2. Gouvernance et administration
3. Défis

1. Legislative context
2. Governance and Administration
3. Challenges

Contexte / Context

- Gouvernements locaux et conseils consultatifs de districts ruraux
 - Établis en vertu de la *Loi sur la gouvernance locale* et ses divers règlements
- Commission de services régionaux
 - Établis en vertu de la *Loi sur la prestation de services régionaux*
- Local Governments & Rural District Advisory Councils
 - Established through the *Local Governance Act and various regulations*
- Regional Services Commission
 - Established through the *Regional Service Delivery Act* and boundary regulation

Contexte / Context

- Gouvernance
 - Législateur/décideur/conseiller
 - Finances publiques

- Governance
 - Legislator/Decision-maker/Advisor
 - Public finances

Contexte / Context

- Législateur

- Arrêtés

- Eau et égouts
- Lieux dangereux ou inesthétiques
- Bruits
- Stationnement
- Animaux
- Zonage
- Etc.

- Legislator

- By-laws

- Water and Sewer
- Dangerous or Unsightly Premises
- Noise
- Parking
- Animals
- Zoning
- Etc.

Contexte / Context

- Employeur
 - Direction
 - Employés statutaires
 - Trésorerie
 - Greffier
 - Équipe
- Employer
 - Administrators
 - Statutory Employees
 - Treasurer
 - Clerk
 - Team

Contexte / Context

- Budget
 - Automne
 - Équilibré

- Budget
 - Fall
 - Balanced

Contexte / Context

Autres lois

- Loi sur l'urbanisme
- Loi sur la prestation de services régionaux
- Loi sur le droit à l'information et la protection de la vie privée
- Loi sur la passation des marchés publics
- Loi sur l'hygiène et la sécurité au travail
- Loi sur les véhicules à moteur
- Loi sur les véhicules hors route
- Loi sur les emprunts de capitaux par les municipalités

Other statutes

- Community Planning Act
- Regional Service Delivery Act
- Right to Information and the Protection of Privacy Act
- Procurement Act
- Occupational Health and Safety Act
- Motor Vehicle Act
- Off Road Vehicle Act
- Municipal Capital Borrowing Act

Gouvernance et administration

Governance and Administration

Gouvernance / Governance

- Élus
 - Imputable envers le public
- Personnel
 - Imputable envers le conseil
- Elected
 - Accountable to the Public
- Staff
 - Accountable to Council

Gouvernance / Governance

- Gouvernance

- Pondez l'information pertinente
- Évaluez les options
- Représentez tous les citoyens
- Prenez des décisions

- Governance

- Consider Relevant Information
- Evaluate Options
- Represent all Constituents
- Make Decisions

Gouvernance / Governance

- Principes directeurs
 - Volonté
 - Autorité
 - Ressources
- Guiding Principles
 - Will
 - Authority
 - Resources

Administration

- Administration

- Fournir

- Context
- Options
- Évaluations positives et négatives des options

- Mettre en œuvre les décisions

- Fonctionnaires statutaires

- Administration

- Provide

- Background information
- Options
- Pros and cons related to options

- Implement decisions

- Statutory officers

Gouvernance et administration / Governance and Administration

- Gouvernance
 - Soyez clair
 - Soyez là
 - Soyez décisif
- Administration
 - Appuyez
 - Exécuter
 - Comptes rendus
- Governance
 - Be Clear
 - Be There
 - Be Decisive
- Administration
 - Support
 - Execute
 - Report

“Faux pas”

- Imputabilité
 - Découle des décisions ou manque de décisions
- Étude de cas
 - New Glasgow v Brown (1907) 39 SCR 586
- Liability
 - Follows decisions or lack thereof
- Case study
 - New Glasgow v Brown (1907) 39 SCR 586

Défis en gouvernance

Governance Challenges

Défis / Challenges

1. Discussions, débats et décisions
2. Conflits d'intérêts
3. Déontologie

1. Discussions, debates and decisions
2. Conflicts of Interest
3. Ethics

Décisions / Decisions

- Décisions
 - Recommande de prendre connaissance des arrêtés (GL et CSR) et politiques qui encadrent le conseil et le personnel
- Decisions
 - Recommend familiarizing yourself with by-laws (LGs and RSCs) and policies that govern council and staff

Conflits d'intérêts / Conflict of Interest

- Conflits d'intérêts
 - Gouvernements locaux
 - Commissions de services régionaux
- Conflicts of interest
 - Local Governments
 - Regional Service Commissions

Former mayor Gary Wheeler dies, 71

■ Former mayor served city through exciting, challenging 1970s

BY BRENT MAZEROLLE
TIMES & TRANSCRIPT STAFF

Former Moncton mayor Gary Wheeler has died.

Wheeler, who served as Ward 2 city councillor from 1971 to 1974 and as mayor from 1974 to 1979, died Sunday after an illness of many years. He was 71.

A civil engineer by trade and at one time the deputy city engineer, Wheeler led Moncton through some of the most trying and most heady times of its modern history.

As mayor of a burgeoning city that had grown significantly with the provincial amalgamations of the year before, Wheeler had been in office just six months when the city was struck by one of its greatest traumas, the abduction and murders of two city police officers.

Praised at the time for his steady leadership in an anxious time, Wheeler would also get kudos two years later for overseeing the repairs to the city after the great Groundhog Day storm of 1976, which left significant damage in its wake.

It was also during Wheeler's mayoralty that the Moncton Coliseum was built and the first stages of Wheeler Boulevard were begun.

(Contrary to popular belief, Wheeler Boulevard is not named after Gary Wheeler. Rather, the roadway which had been in the city's long-range plans as far back as 1947 honours Ambrose Wheeler, no relation, who built many of the city's great buildings in the era between the world wars.)

Moncton Mayor George LeBlanc said last night he did not know Wheeler personally, but only of his reputation as a highly intelligent city leader.

"I understand Gary was a very effective mayor, known as a mayor who got things done."

Former Moncton mayor Lorne Mitton said yesterday he had known Wheeler for most of his life, and that as teenagers the two future mayors had played on the Moncton High School hockey team together.

While their time in municipal politics didn't overlap, Mitton recalled how it was frequently talking about politics with Wheeler that helped inspire him to get involved.

He also recalled the work Wheeler did in help-



Gary Wheeler

ing bring the 1990 Silver Broom to Moncton, the highly successful world men's curling championship that helped cement Moncton's place in international curling and in hosting big events.

Another sports legacy: "one of his greatest," according to former assistant city manager Mike Sullivan, was Wheeler's leadership in bringing the American Hockey League to Moncton.

"It wouldn't have happened without him," Sullivan said yesterday, noting that one thing Wheeler was particularly good at was leaving his partisan Tory feelings behind when it came to assembling talent. The board of directors he assembled to create the New Brunswick Hawks was a particularly good example of that, with the community leaders on the board spanning the political spectrum, something rare even though municipal politics is ostensibly non-partisan.

Sullivan, who served under nine Moncton mayors, said, "Gary was like a big brother to me."

He described his long-time boss and friend as both a race car loving "good ol' boy" and devout Montréal Canadiens fan, as well as an intense,

quick-minded, brilliant engineer.

"I never saw a brain that was as quick mathematically as Gary."

In addition to Wheeler's other, more obvious accomplishments, Sullivan pointed to several less noted but important achievements, including making inroads to improve the relations between Moncton's English and French linguistic communities following the polarizing mayoralty of Leonard Jones.

"Gary was going to right some wrongs and he did so almost immediately" upon taking office, Sullivan said, noting that the temper of the times did mean Wheeler had to move slowly, starting in incremental path succeeding mayors would follow.

Also, "by his style, he started a period of relatively good labour relations in the city. He sat at the negotiating table and was a tough negotiator, but he was fair."

Sullivan noted it was also Wheeler, joined by others on council, who established a differential tax rate for the newly grown Moncton of the mid-1970s, arguing it wasn't fair that new Monctonians far from the infrastructure services of the city core should pay the same taxes. To that end, Moncton once had three different tax rates. After graduating from Moncton High, Gary Wheeler went to Mount Allison University to study pre-engineering. In 1963 he received a bachelor of science degree in civil engineering at the University of New Brunswick.

In 1969 he joined Frizzell Bros. Construction as their chief engineer and general manager and was instrumental in designing and building many of Moncton's roadways.

He was also active in many community organizations, serving as a director of the Moncton Family YMCA, a director of the Greater Moncton Chamber of Commerce, president of the Moncton Rotary Club, founding member and chairman of the New Brunswick Hawks, member of the Luxor Shrine, campaign chairman of the United Way, and director and trustee of The Moncton Hospital.

Wheeler is survived by his wife Linda and four daughters, as well as 10 grandchildren and a number of other relatives.

Visitation will take place at Fair Haven Funeral Home on Wednesday from 7 to 9 p.m. A funeral service will be held at St. John's United Church, 75 Alma St., Moncton on Thursday at 2 p.m. with Reverend Aaron Billard presiding. Arrangements have been entrusted to Fair Haven Funeral Home, 1177 Salisbury Road, Moncton, (506) 852-3530.

N.S. Mi'kmaq pioneer dies

SYDNEY, N.S. — Lawrence Paul is being remembered as a strong Mi'kmaq leader who carried out pioneering work in the field of alcohol and drug education.

Paul, a former chief of Nova Scotia's Membertou First Nation, died Saturday at the Cape Breton Regional Hospital in Sydney. He was 84.

Dan Christmas, senior adviser to Membertou chief and council, called Paul a remarkable leader.

"He had a lot of respect here in the community," he said. In addition to his military accomplishments — he was a paratrooper who served overseas in the Second World War and in Korea — Paul was known for his activism on behalf of First Nation communities.

Candidates want MHS saved

■ But not at any cost, most provincial election candidates say

BY JAMES FOSTER
TIMES & TRANSCRIPT STAFF

Political posturing has already begun well in advance of this fall's provincial election, and the fate of Moncton High School is playing a prominent role, with veteran Moncton East MLA and Minister of Local Government

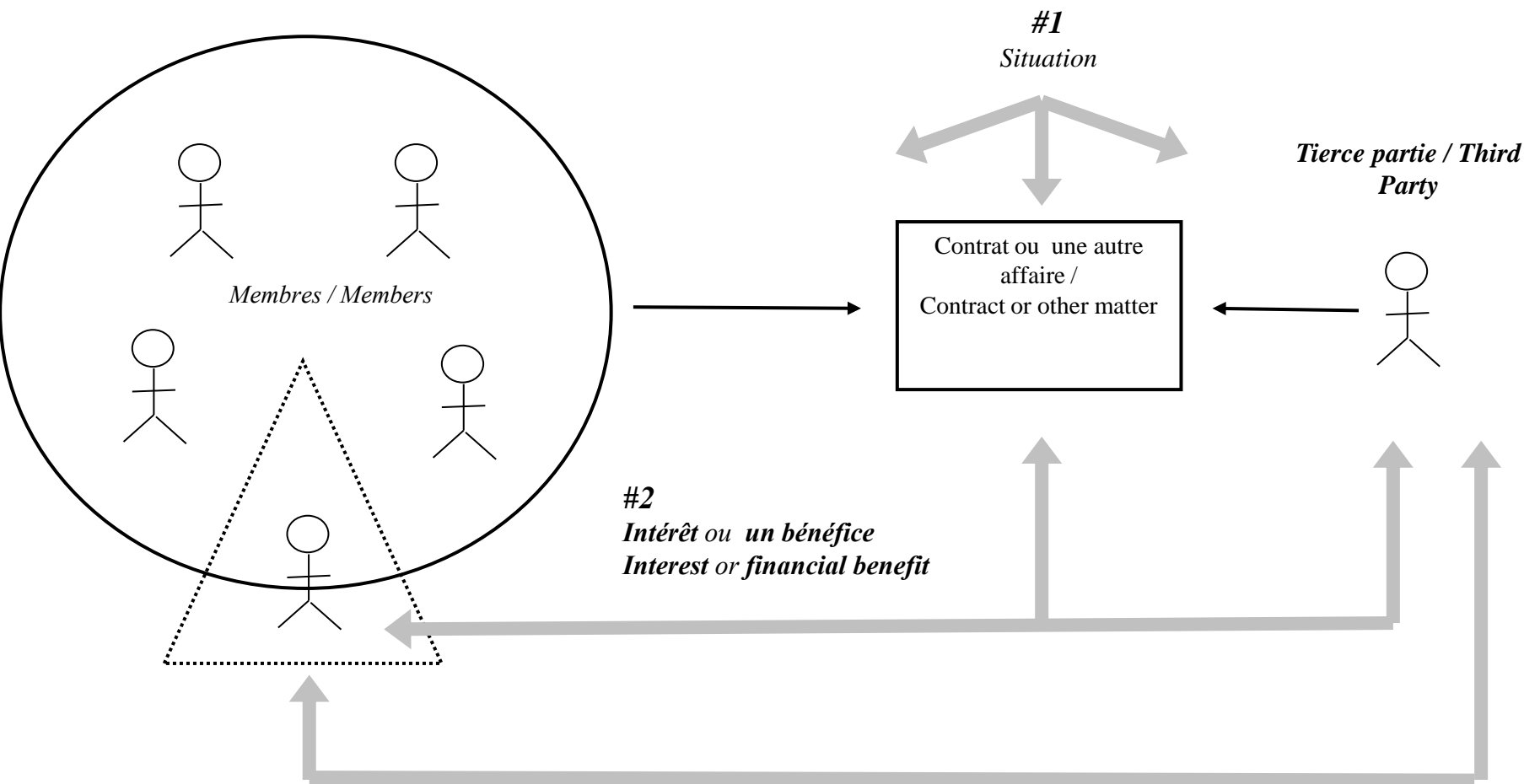
"As for the building itself, it is a heritage building and for all intents and purposes, people don't want to see that building bulldozed."

Collins will agree with that. As the MLA in the riding where the school sits, he's helped find government money to fund a study into the building's future, part of which is the public consultation process that's going on now.

"From my perspective, that is a beautiful building," Collins says.

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#3 *Un lien entre le membre et la tierce partie fait affaire (ex : lien de famille ou d'affaire) ou que le membre se retrouve à représenter les deux parties*

A connection between the member and the third party concluding the contract (e.g. family or business) or the member represents both sides

Conflicts d'intérêts / Conflict of Interest

- Conflicts d'intérêts
 - Fardeau personnel
 - Exceptions
 - Poursuite par plainte
 - Cour provinciale
- Conflicts of interest
 - Onus on individual
 - Exceptions
 - Complaint driven
 - Provincial Court

Code de déontologie / Code of Conduct

- Code de déontologie
 - Arrêté obligatoire
 - Valeurs
 - Comportement
 - Utilisation des biens, ressources et services
 - Utilisation des moyens de communication et médias sociaux
- Code of Conduct
 - Mandatory by-law
 - Values
 - Behaviour
 - Use of property, resources and services
 - Use of communication tools and social media

Code de déontologie / Code of Conduct

- Code de déontologie
 - Débute avec le conseil/conseil d'administration
 - Se termine avec le conseil/conseil d'administration
- Code of conduct
 - Begins with council/board
 - Ends with council/board

Altman v Whitchurch-Stouffville



Altmann v
The
Corporation
of the Town
of
Whitchurch-
Stouffville,
2018 ONSC
5306

Altman v Whitchurch-Stouffville

'Monstrous' bullying led Ontario mayor to create mysterious wall of photos in office bathroom



Justin Altmann's montage now under investigation by Whitchurch-Stouffville integrity commissioner



Meagan Fitzpatrick · CBC News · Posted: Jul 08, 2017 5:00 AM ET | Last Updated: July 8, 2017



<https://www.cbc.ca/news/canada/toronto/monstrous-bullying-led-ontario-mayor-to-create-mysterious-wall-of-photos-in-office-bathroom-1.4193731>

Points saillants

Highlights

Points saillants / Highlights

- Élus
 - Comprendre l'encadrement législatif
 - Opérer selon la séparation des fonctions
 - Faites confiance à l'équipe
- Administration
 - Appuie le conseil
 - Exécute priorités ou fonctions statutaires
 - Émet des recommandations
- Elected
 - Understand the legislative framework
 - Operate within the separation of powers
 - Rely on the team
- Administration
 - Support council/board
 - Carry out priorities and statutory obligations
 - Make recommendations



André Daigle, LL.M., UPC, MICU

André est co-fondateur du bureau Droit JURIS Law (2014) avec son bureau à Dieppe. Il exerce sa pratique juridique en droit municipal, dans les marchés publics et en aménagement du territoire. Il fait du mentorat et est formateur pour les fonctionnaires municipaux et élus.

André a travaillé à son propre compte depuis son admission au barreau en 2002 et ensuite avec l'étude de Chiasson & Roy au bureau de Bathurst. En 2004, il s'est joint à l'équipe de la cité de Dieppe pendant que cette municipalité connaissait une croissance économique importante. Il y occupa les postes d'avocat municipal, de directeur de la planification et de développement ainsi que celui de secrétaire municipal jusqu'en janvier 2011.

Avant sa carrière juridique, il a œuvré comme urbaniste auprès du gouvernement provincial du Nouveau-Brunswick (1992-1998), en collaborant notamment sur des politiques et des règlements provinciaux, la restructuration des commissions d'aménagement, les fusions municipales et agissant comme aviseur dans l'approbation ministérielle des plans municipaux.

André détient une maîtrise en urbanisme du Technical University of Nova Scotia (1992) et une maîtrise en droit municipal de la faculté de droit Osgoode Hall de l'Université de York à Toronto (2009).

Il a déjà détenu les postes de président de l'Institut des urbanistes de l'Atlantique, président de l'Association des urbanistes du N.-B. et membre du Conseil des normes professionnelles de l'Institut canadien des urbanistes. Au niveau de l'association du barreau canadien, il a détenu les postes de président de la section municipale à la fois au niveau provincial et au niveau national.



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André Daigle, LL.M., RPP, MCIP

André is the co-founder of Droit JURIS Law (2014), which is located in Dieppe. He practices in the areas of local government, land-use planning and procurement. André also coaches and educates municipal staff and elected officials.

André began as a solo practitioner in 2002 and then joined the City of Dieppe during a period of substantial growth as the city solicitor, planning & development director and city clerk. He returned to private practice in 2011.

Before his legal career, he worked as a land use planner with the NB government on policy and regulation development, planning commission restructurings, municipal amalgamations, as well as municipal plan reviews.

Andre received a Master of Urban and Rural Planning degree from the Technical University of Nova Scotia (1992) and a Master of Laws (Municipal) degree from Osgoode Hall (2009).

André is the Past Chair of the national and provincial Municipal Law sections of the Canadian Bar Association. He is also the past president of the Atlantic Planners Institute, past president of the NB Association of Planners and past member of the Professional Standards Board (CIP).



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