

## MuniLegislativeReview

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**From:** Town of Bay Bulls <townofbaybulls@nf.aibn.com>  
**Sent:** Thursday, January 18, 2018 1:32 PM  
**To:** MuniLegislativeReview  
**Subject:** FW: Municipal Legislation Review

See below from Councillor Luby of Bay Bulls

### *Ashley Wakeham*

Assistant Town Clerk  
Town of Bay Bulls  
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**From:** Town of Bay Bulls [mailto:townofbaybulls@nf.aibn.com]  
**Sent:** January-18-18 11:47 AM  
**To:** 'joan luby'  
**Cc:** 'Evelyn Tucker'; 'Wendy O'Driscoll'; 'Harold Mulloney'; 'kevin o'brien'; 'Phil Burton'; 'Eric Maloney'  
**Subject:** RE: Municipal Legislation Review

Excellent Joan! I'll send on.

Anyone else get a chance to think of some changes they would like to see as part of the review process? Deadline is tomorrow!

### *Ashley Wakeham*

Assistant Town Clerk  
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**From:** joan luby [mailto:joancouncil15@outlook.com]  
**Sent:** January-18-18 11:38 AM

**To:** town of bay bulls

**Cc:** Evelyn Tucker; Wendy O'Driscoll; Harold Mulloney; kevin o'brien; Phil Burton; Eric Maloney

**Subject:** Municipal Legislation Review

Hi

Ashley can you send all this on to Municipal Legislation Review.

#### Section 21

Duties of the mayor: handbook states that the mayor should leave the chair to address a subject. The Act should more precisely indicate exact rules, processes and procedures that all councils can follow on some level. Like the Mayor should leave the chair but don't have to. If he makes a motion and stays in his chair what then.

#### Section 412

Should state that councillors cannot be held liable for damages as a result of anything said or done as part of their role .

#### Section 419

Contradicts section 411 where handbook states that councillors can be individually held liable. Councillors should not be individually held liable for any duties they carry out as councillors .

#### Section 210

Clearer definition of what an interest is in regards to disclosure statements .

#### Section 207

Clearer definition on monetary and distinct interest. If more than the councillor has the same interest then more precise procedures are necessary to determine if that is a monetary interest or not for the councillor and if it could constitute conflict of interest .

#### Section 206

Clearer step by step process to deal with conflict of interest allegations including how they are received as well as a step by step process for how to determine whether or not the conflict is founded and valid and whether or not the seat should be vacated.

#### Section 410

A councillor whose seat has been vacated for conflict of interest should not have to spend their own money to appeal the decision in court. Instead there should be a third party board at MA where both sides of the conflict can present their evidence and a determination can be made. It would save towns money, individual community members money, and give MA a concrete role to play.

#### Section 419

When a person is in contravention of the act the onus should not be on an individual community member or councillor to bring the matter before court to ensure the issue is rectified and/or the guilt party is held accountable. Possible offences should be able to be brought to an unbiased third party board or committee at MA to determine the validity of the alleged offence and to ensure the proper penalty is enforced if necessary.

Why does the act not provide more guidance for general rules of order, policies and procedures, human resources, etc

The act should also specify exactly what the role of MA is and more specifically they should have more distinct roles in how to step in to town affairs when requested by a town or community member to ensure the act is followed. Not always sent what the act is and to seek legal.

The act should stipulate that MA is responsible for ensuring that each section of the act is followed and if not issues and complaints should be able to be brought forward to them for resolution and penalty of applicable.

Sincerely, Joan Luby  
Councillor, Town Of Bay Bulls

When in doubt, Step out  
When not sure, See the door