

New Brunswick

ESSENTIAL MUNICIPAL COUNCILLOR GUIDE

FOR NEWLY ELECTED AND RETURNING COUNCILLORS
SPRING 2026 ELECTION TERM



**YOUR PRACTICAL REFERENCE FOR LEGISLATION, RESPONSIBILITY
& COMMUNITY LEADERSHIP**

Based on the Local Governance Act, SNB 2017, c.18

Prepared by **13WAYS**

Introduction: Building Stronger Communities

THERE'S ALWAYS A WAY TO BUILD A STRONGER COMMUNITY.

Congratulations!

And welcome to one of the most demanding, meaningful roles in public life.

Whether this is your first term or your fourth, the work of a municipal councillor is never the same twice. Communities change. Pressures change. The people around the table change. What doesn't change is the fundamental truth that the decisions made at the local level – your level – shape daily life more directly than almost any other order of government.

This guide exists to make sure you know what you're working with.



About this guide

It is grounded in the Local Governance Act, SNB 2017, c.18, New Brunswick's primary statute governing local governments, and it walks you through the legal framework of your role: your powers, your obligations, your potential risks, and the boundaries within which good governance happens. Think of it as your legislative foundation — the baseline every councillor should have.

About 13 Ways

But legislation alone doesn't make a good councillor, and it doesn't make a strong community. That requires something harder to legislate: attitude.

The insight that drove the creation of 13 Ways Inc. came from an unlikely place: a high school classroom. As a teacher — long before founding 13 Ways — Doug Griffiths discovered that telling students what to do for success rarely changed anything.

When he asked them to picture what failure would look like — and helped them trace the attitudes and daily habits that led there — they couldn't unsee it. Real change followed. That same principle applies to councils. Communities that thrive tend to share certain habits: they work together, they stay focused on the greater good, and they hold themselves accountable. Communities that struggle tend to share different ones — competition, blame, short-termism, and a reluctance to face hard truths.

This guide was built to help councillors along that journey.

More information about 13 Ways and the resources available to your community is available at **13ways.ca** or by contacting us at info@13ways.ca.



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About New Brunswick's Legislative Framework

The primary law governing New Brunswick municipalities is the Local Governance Act (LGA), SNB 2017, c.18, significantly reformed by Bill 82 (2021) and fully in force from January 1, 2023.

Other key legislation includes: Municipal Elections Act, Control of Municipalities Act, Community Planning Act, Regional Service Delivery Act, Assessment Act, Local Governance Commission Act (2023), and the Community Funding Act. If there is ever a conflict between a municipal by-law and the LGA, the LGA prevails

1 WELCOME AND THE NEW BRUNSWICK LEGISLATIVE FRAMEWORK

Congratulations on your election! Whether you are newly elected or returning for another term, you are part of a democratically elected body empowered to govern your local community under the Local Governance Act (LGA). New Brunswick held its municipal general election on May 11, 2026.

The Legislative Framework

Primary Legislation: The Local Governance Act

The Local Governance Act (SNB 2017, c.18) — as most recently reformed in 2021 and fully restructured as of January 1, 2023 — is the cornerstone of your role. It defines who you are as an elected official, what powers your council holds, and what obligations you must fulfill. (LGA s. 2 — the LGA prevails over any conflicting municipal charter, private or special Act, or by-law)

This Act replaced the former Municipalities Act and dramatically reorganized New Brunswick's local governance landscape — reducing the number of local entities from 340 to 77 local governments and 12 rural districts, organized within 12 regional service commissions.

Legislation	What It Covers
Municipal Elections Act	How you were elected; by-elections, eligibility, recall
Control of Municipalities Act	Financial reporting, auditing, provincial oversight of municipal finances
Community Planning Act	Land use planning, zoning, municipal plans
Regional Service Delivery Act	Regional Service Commissions, shared services
Assessment Act	Property assessment for tax purposes
Community Funding Act	Equalization grants and provincial funding to municipalities
Local Governance Commission Act (2023)	Independent oversight body for conflicts of interest, code of conduct complaints, and governance investigations

What Kind of Organization Is Your Municipality?

Under section 4 of the LGA, your municipality is a body corporate — meaning it is a legal entity with the capacity to enter contracts, own property, sue and be sued, and conduct business. Your corporate seal and the signatures of the mayor and clerk are required on official instruments. (LGA s. 4(3))

The LGA creates three categories of local government:

- Municipality: A city (population 10,000+), town (population 1,500+), or village (LGA ss. 22(2), (3))
- Rural Community: An incorporated rural area with elected council
- Regional Municipality: A large area (population 15,000+) containing at least one municipality (LGA s. 22(4))

The Purposes of Local Government (LGA Section 5)

Section 5 defines why your local government exists. Every decision council makes should connect back to these four purposes:

- Good Government: Provide responsible and accountable governance to residents (LGA s. 5(a))
- Services & Facilities: Provide services, facilities or things the council considers necessary or desirable for all or part of the local government (LGA s. 5(b))
- Safe and Viable Communities: Develop and maintain safe and viable communities (LGA s. 5(c))
- Well-being: Foster the economic, social and environmental well-being of the community (LGA s. 5(d))

✓ The Golden Rule of Municipal Authority

Section 7 of the LGA provides that local government powers are to be interpreted broadly to enable the council to govern the affairs of the local government as it considers appropriate. (LGA s. 7) When in doubt about whether council can do something, the default position is broad authority — not narrow restriction. But the activity must always connect to one of the four municipal purposes above. (LGA s. 6(2))

First Priority: Accepting Your Office

Before you can exercise any power as a councillor, you must formally accept office. Section 57 of the LGA provides that you accept office by either: (LGA s. 57)

- Taking and subscribing the oath of office, OR
- Making and subscribing the affirmation of office (as prescribed by regulation)

⚠ CRITICAL: You Cannot Act Until You Have Accepted Office

You have no legal authority to vote, make decisions, or carry out any councillor function until you have taken your oath or made your affirmation of office. (LGA s. 57) Any action taken before this is legally invalid and could expose you to personal liability.

2 YOUR ROLE & DUTIES AS A COUNCILLOR

Understanding your role is critical to being effective — and to protecting yourself legally. Your role as a councillor is fundamentally a governance role. You set policy; you do not manage day-to-day operations.

Powers and Duties of Council (LGA Section 46)

Section 46 of the LGA sets out the role of council. The council of a local government:

- Is responsible for the affairs of the local government (LGA s. 46(1))
- May exercise the powers of the local government (subject to the LGA and other legislation) (LGA s. 6(3))
- Must act by by-law or resolution (LGA s. 46(1))
- Must hold open meetings, subject to permitted exceptions (LGA s. 68)

The Mayor's Role (LGA Section 47)

The mayor has specific duties beyond those of a councillor:

- Presides at all meetings of council (LGA s. 47(a))
- Acts as chief elected official of the local government (LGA s. 47)
- Carries out the duties of the office as prescribed by by-law (LGA s. 47(b))
- May have a casting vote in case of a tie, if provided for by the procedural by-law (LGA s. 66)

Deputy Mayor

Council must, by procedural by-law, provide for the election of a deputy mayor. (LGA s. 48(3); Regulation 2018-84) The deputy mayor acts in place of the mayor during the mayor's absence or incapacity. (LGA s. 48(1))

What You Are — and Are Not — Responsible For

Council's Responsibility	Administration's Responsibility
Set policy and direction	Implement policy and decisions
Pass by-laws and resolutions	Manage day-to-day operations
Adopt budgets	Administer budgets within approved limits
Hire and evaluate the CAO	Hire and supervise other staff
Provide governance oversight	Provide information and advice to council
Represent the community	Carry out technical and administrative work

Individual Councillor vs. Council as a Body

This is one of the most important distinctions in municipal government:

You Only Have Power as a Member of Council — Not Alone

As an individual councillor, you have no authority to direct staff, make decisions, or commit the municipality to any course of action. Your power comes from participating in council decisions made at properly constituted meetings. (LGA s. 6(3))

You cannot instruct the CAO or other staff. You cannot make commitments on behalf of the municipality. All authority flows from council acting as a body — by by-law or resolution — at a duly constituted meeting. (LGA s. 46(1))

Going around this process — even with good intentions — is not just ineffective; it may create personal liability.

Your Duty to Act in the Public Interest

Your fundamental obligation is to the community as a whole — not to the particular neighbourhood or group that elected you, not to your personal preferences, and not to external organizations.

- Consider the well-being and interests of the local government as a whole (LGA s. 46)
- Bring matters to council's attention that would promote the municipality's welfare (LGA s. 46)
- Participate actively in developing and evaluating policies and programs (LGA s. 46)
- Make yourself informed about municipal operations (LGA s. 46)
- Maintain confidentiality on matters discussed in closed session (LGA s. 68; Part 8)
- Vote on all matters unless legally required or permitted to abstain (LGA s. 66)

Disqualification — How You Can Lose Your Seat

The LGA sets out specific circumstances under which a councillor's seat may be vacated: (LGA s. 51)

- Resignation: Written resignation submitted to the clerk (LGA s. 51)
- Ceases to be eligible: No longer meets the eligibility requirements to hold office (LGA s. 51)
- Absence from meetings: Failing to attend meetings of the council without authorization — consistent or prolonged unauthorized absence can result in vacancy (LGA s. 51)
- Conflict of interest violations: Failing to disclose a conflict of interest as required (LGA Part 8; Local Governance Commission Act, ss. 44–45)
- Becoming an employee: Taking employment with the local government (one-year prohibition) (LGA s. 83)

⚠️ Protect Your Seat — Know These Risk Areas

Missing meetings without proper authorization is one of the most common — and avoidable — reasons councillors lose their positions. If you cannot attend a meeting, ensure you notify the clerk. Check your procedural by-law for your municipality's specific attendance requirements.

A councillor who fails to disclose a conflict of interest may face a complaint to the Local Governance Commission, which has the power to impose penalties including removal from office.

3 COUNCIL OPERATIONS & MEETINGS

Meetings are where governance happens. How you conduct meetings — and how you participate in them — is governed by the LGA and your municipality's own procedural by-law. Errors in meeting procedure can invalidate decisions and expose council to legal challenges.

The First Meeting After an Election (LGA Section 63)

Following a general election, the first meeting of the new council must be held no later than June 15, unless a candidate has not been declared elected by that date, in which case the first meeting shall be held as soon as circumstances permit. (LGA s. 63)

In New Brunswick, the mayor is elected directly by voters on general election day — the same ballot as councillors. The mayor arrives at the first meeting already holding that mandate from the public. There is no process by which council chooses or appoints a mayor. (Municipal Elections Act, s. 3(1); LGA s. 47)

What council does select — at or following the first meeting — is the deputy mayor. Under the LGA, council must elect the deputy mayor in accordance with its own procedural by-law. (LGA s. 48(3)) Each municipality determines its own method: some select the councillor who received the highest vote count in the election, others hold a council vote, and others use rotation or another process set out in their procedural by-law. Check your municipality's procedural by-law to understand how this works in your community.

The first meeting is therefore focused on organizing the new term: electing the deputy mayor, appointing key officers, confirming the committee structure, and establishing the meeting schedule.

Regular and Special Meetings

- Regular Meetings: Your municipality's procedural by-law sets the schedule for regular meetings. These must be held at intervals frequent enough to conduct necessary business. (LGA s. 10(2)(a); Regulation 2018-84)
- Special Meetings: May be called by the mayor, or by a specified number of councillors (set in the procedural by-law). The purpose must be stated in the notice. (LGA s. 10(2)(a); Regulation 2018-84)

Quorum (LGA Section 65)

Quorum is the minimum number of councillors who must be present for council to conduct official business. The LGA is clear:

Quorum = Majority of the Total Members of Council (LGA s. 65)

Example: A council of 1 mayor + 5 councillors = 6 members total. Quorum is 4.

IMPORTANT: Quorum does not change as a result of vacancies on council. (LGA s. 65(3)) If there are vacancies, quorum is still based on the total membership of council, not just those currently holding seats.

No by-law, resolution, or official decision can be made without quorum present. (LGA s. 65)

⚠ No Quorum = No Valid Decisions

If quorum is not present, the meeting can only adjourn. Any decisions made without quorum are void and have no legal effect. (LGA s. 65)

If a local government consistently cannot form quorum, the Local Governance Commission may appoint a supervisor to take control and charge over the administration of the local government. (Local Governance Commission Act, s. 26(3))

Voting (LGA Section 66)

- You must vote: Each councillor is expected to vote on every matter unless legally required or permitted to abstain (i.e., conflict of interest). (LGA s. 66)
- Tied votes: If votes are equal, the matter is defeated unless the procedural by-law provides for a casting vote by the mayor. (LGA s. 66)
- Recorded votes: Any councillor may request that votes be recorded, showing how each member voted. (LGA s. 66)
- Majority required: Unless otherwise specified in the LGA or other legislation, decisions require a simple majority of those present and voting. (LGA s. 66)
- Special majorities: Some decisions require two-thirds or unanimous agreement — for example, declaring an emergency to allow three readings of a by-law at one meeting. (LGA s. 15(6))

Passing By-laws (LGA Section 15)

- By-laws are the primary tool through which council exercises its legislative authority. The process must be followed precisely:
- A by-law must be read three times by title (LGA s. 15(2)(a))
- The full text of the by-law must be read in its entirety at least once before third reading — OR a notice procedure may be used as a substitute (LGA s. 15(3))
- A maximum of two readings may take place at one meeting, unless all members present unanimously declare an emergency exists (LGA s. 15(6))
- A by-law may be amended at any time before third reading (LGA s. 15(7))
- To be effective, a by-law must be sealed with the corporate seal, signed by the clerk and the mayor (or presiding officer), and contain a statement that it is made by the council (LGA s. 15(1))

Public vs. Closed Meetings (LGA Section 68)

The default rule is clear: all meetings of council must be open to the public. (LGA s. 68)

When May Council Go In Camera (Closed Session)?

The LGA and your procedural by-law prescribe the limited circumstances where council may exclude the public. These typically include:

- Legal advice and pending or anticipated litigation (LGA s. 68)
- Labour relations and employee negotiations (LGA s. 68)
- Acquisition or disposal of land or other property (LGA s. 68)
- Personal matters about an identifiable individual (LGA s. 68)
- Information received in confidence from another government (LGA s. 68)

✓ Closed Session Rules You Must Follow

Council must pass a resolution before moving into closed session, stating the specific reason (citing the applicable exception). (LGA s. 68)

No binding decisions may be made in closed session — decisions must be ratified or confirmed in open session. (LGA s. 68)

If you discuss or vote on something in closed session that should have been public, those decisions may be challenged.

Confidentiality of what was discussed in closed session is a continuing obligation — even after your term ends. (LGA Part 8)

Electronic Participation in Meetings (LGA Section 69)

Subject to the LGA and your procedural by-law, councillors may participate in meetings electronically (by phone, video conference, etc.). Key rules: (LGA s. 69)

- There are limits on the number of meetings a councillor may attend electronically — check your procedural by-law (LGA s. 69)
- If the meeting is open to the public, notice must be given that a member is participating electronically (LGA s. 69)
- If the meeting or portion is closed, the member participating electronically must confirm at the start that they are alone (LGA s. 69)
- A councillor participating electronically is deemed present for quorum purposes (LGA s. 69)

Notice Requirements (LGA Section 70)

When council is required to give public notice, this may be done by: newspaper with general circulation in the local government, radio or television broadcast, or posting on the local government's website. Notice must also be posted in the clerk's office. (LGA s. 70)

4 CONFLICT OF INTEREST & THE CODE OF CONDUCT

Conflict of interest rules exist to protect the public — and to protect you. New Brunswick has a comprehensive framework under Part 8 of the LGA (sections 87–98) and the Local Governance Commission Act (2023). Violations can end your political career and result in significant personal consequences.

The Core Rule (LGA Part 8)

A councillor or senior officer has a conflict of interest when a matter before council could provide a direct or indirect financial benefit (or avoid a financial loss) to the councillor, a family member, or a corporation in which the councillor or family member has an interest. (LGA ss. 87–98)

Key prohibitions for councillors and senior officers include:

- You cannot accept fees, gifts, gratuities, or other benefits that could influence your decisions or the exercise of your duties (LGA s. 93)
- You cannot use your position, or information obtained through your position that is not available to the public, for your own personal gain or the gain of a family member (LGA s. 94)

What You Must Do When You Have a Conflict

When a matter before council involves a conflict of interest, you must follow these steps — every time, without exception: (LGA ss. 89–92)

Step 1: Declare the conflict before discussion of the matter begins

Step 2: State the nature of the conflict (generally — you need not reveal private financial details)

Step 3: Leave the meeting room during all discussion and voting on the matter

Step 4: Ensure the declaration is recorded in the minutes

Step 5: Do not attempt to influence other councillors on the matter, either inside or outside the meeting

✓ When In Doubt: Disclose and Abstain

This is the golden rule of conflict of interest. If you are uncertain whether you have a conflict, err on the side of disclosure. An over-disclosure is never penalized. A failure to disclose — even if unintentional — can result in a formal complaint, investigation, and removal from office. Consult your clerk or municipal solicitor if you are uncertain.

What Does NOT Constitute a Conflict of Interest

Not every connection to a matter is a conflict. The following generally do not create a conflict: (LGA s. 88)

- Your status as a ratepayer, taxpayer, utility customer, or resident of the municipality — unless the matter affects you differently from other residents (LGA s. 88)
- General policies that apply equally to all residents (LGA s. 88)
- Matters that affect a broad class of the public, where your interest is the same as that of the public generally (LGA s. 88)
- An interest that is so remote or insignificant that it would not reasonably be considered likely to influence your vote or decision (LGA s. 88)

Common Conflict Scenarios — Practical Examples

Scenario	Administration's Responsibility
Council is approving a contract with a company you own shares in	Declare conflict, leave room, do not vote (LGA s. 89)
Your spouse is applying for a job with the municipality	Declare conflict on all hiring discussions involving that position (LGA s. 87)
A rezoning application would benefit property you own nearby	Declare conflict, leave room (LGA s. 89)
A grant is being awarded to a charity you volunteer with	Seek advice — may be a conflict depending on your role and interest (LGA s. 87)
A road improvement near (but not on) your property	Likely not a conflict if benefit is the same as for other area residents (LGA s. 88)
A friend's business is being considered for a municipal contract	Friendship alone is not a conflict — but consider whether it could influence your decision (LGA s. 87)

The Code of Conduct (LGA Section 10(2)(b))

Every local government in New Brunswick is required by law to enact a by-law establishing a code of conduct for all members of council. Your municipality's code of conduct is as legally binding as any other by-law. (LGA s. 10(2)(b))

The code of conduct must include provisions addressing: (Regulation 2018-64; Regulation 2024-48)

- Respectful treatment of fellow councillors, staff, and members of the public (Regulation 2018-64)
- Proper use of municipal property and resources (Regulation 2018-64)
- Handling of confidential information (Regulation 2018-64)
- Conduct at meetings (Regulation 2018-64)
- Use of social media and public communications (Regulation 2018-64)
- Interaction with municipal staff (Regulation 2018-64)

The Local Governance Commission (Local Governance Commission Act, SNB 2023, c.18)

The Local Governance Commission is an independent body established in 2023 to provide oversight of local governance in New Brunswick. It has real teeth:

- Investigates complaints: Any person may file a complaint with the Commission about an alleged code of conduct or conflict of interest violation by a councillor or senior officer — but only after attempting to resolve the matter with the local government first (Local Governance Commission Act, s. 44)
- Imposes penalties: The Commission can rule on violations and impose sanctions, including removal from office (Local Governance Commission Act, s. 45)
- Appoints supervisors: If a council can no longer form quorum, the Commission may appoint a supervisor to take over administration (Local Governance Commission Act, s. 26)
- Audits and investigations: The Commission may appoint auditors or inspectors to investigate local governments (Local Governance Commission Act, ss. 22, 17)

⚠️ Complaint Process — Know Your Obligations

Before the Commission will accept a complaint about a code of conduct or conflict of interest violation, the person complaining must first raise the matter with the local government and attempt to resolve it locally. (Local Governance Commission Act, s. 44)

If unresolved, a complaint may be filed with the Commission. The Commission investigates and, if a violation is found, may impose penalties ranging from a reprimand to removal from office. (Local Governance Commission Act, s. 45)

Commission orders are final and binding. (Local Governance Commission Act, s. 45)



5 MUNICIPAL POWERS & AUTHORITY

Understanding what your municipality can and cannot do — and how it must do it — is essential to effective governance. New Brunswick's LGA gives local governments broad authority, but with important limitations.

Three Sources of Municipal Power (LGA Sections 6, 7, 10)

- Natural Person Powers (s. 6(1)): Subject to the LGA, your municipality has the capacity, rights, powers and privileges of a natural person — meaning it can enter contracts, own property, hire staff, sue and be sued, and conduct business. But these powers can only be used for municipal purposes. (LGA s. 6(1)–(2))
- Broad Statutory Powers (s. 10): Council may make by-laws for municipal purposes in a wide range of areas — safety and health, nuisances, premises standards, businesses, animals, transportation, property management, and more. (LGA s. 10(1))
- Specific Powers in Other Acts: The Community Planning Act, Regional Service Delivery Act, and other provincial statutes grant specific additional powers in defined areas.

Broad By-law Making Authority (LGA Section 10(1))

Section 10(1) gives council extensive by-law making authority. The categories include:

- Safety, health and welfare of people and the protection of people and property (LGA s. 10(1)(a))
- People, activities and things in, on or near a public place or place open to the public (LGA s. 10(1)(b))
- Nuisances, including noise, pollution and waste in or on public or private property (LGA s. 10(1)(c))
- Dangerous or unsightly premises and property (LGA s. 10(1)(d))
- Maintenance and occupancy standards for buildings (LGA s. 10(1)(e))
- Businesses, business activities and persons engaged in business — limited to licensing, classification, and hours of operation (LGA ss. 10(1)(h), 19)
- Programs and services provided by the local government (LGA s. 10(1)(i))
- Wild, domestic and exotic animals, including animal control (LGA s. 10(1)(k))
- Acquisition and management of real and personal property (LGA ss. 10(1)(m), (n))
- Motor vehicles, traffic, parking and pedestrians (LGA s. 10(1)(o))
- Management of roads, streets, highways and sidewalks (LGA s. 10(1)(p))
- Economic development, to the extent it expands or maintains the local tax base (LGA s. 104)
- Tourism accommodation levies (LGA s. 10(1)(m.1); s. 101.1)

Mandatory By-laws (LGA Section 10(2) and (3))

Your municipality is required by law to have the following by-laws in place:

- Procedural By-law: Sets the rules for how council meetings are conducted, including notice, quorum, voting, and closed session rules (LGA s. 10(2)(a); Regulation 2018-84)
- Code of Conduct By-law: Establishes conduct standards for all members of council (LGA s. 10(2)(b); Regulation 2018-64; Regulation 2024-48)
- Dog Vaccination By-law: Requires vaccination of dogs against rabies (LGA s. 10(2)(c); Regulation 2022-36)
- Police Protection By-law: Requires municipalities (not rural communities or regional municipalities) to provide police protection services (LGA s. 10(3))

Required vs. Optional Services

Unlike the old Municipalities Act, the LGA no longer contains a schedule of permitted services. Instead, council may provide any service it considers necessary or desirable for the municipality — as long as it falls within municipal purposes (s. 5).

This is a significant and flexible power. If your community needs a service, council can choose to provide it.

What Council Cannot Do

- Council cannot delegate its power to make by-laws (LGA s. 9(3)(a))
- Council cannot delegate its power to borrow money (LGA s. 9(3)(d))
- Council cannot delegate its power to establish reserve funds (LGA s. 9(3)(e))
- Council cannot establish a for-profit corporation or acquire shares in one (LGA s. 8(2))
- By-laws apply only within the territorial limits of the local government (LGA s. 14(1))
- By-laws do not apply to Crown lands (LGA s. 14(2))

Regional Service Commissions

All local governments in New Brunswick are part of a Regional Service Commission (RSC) established under the Regional Service Delivery Act. RSCs provide certain shared services on a regional basis.

This means some services that affect your municipality — like waste management, land use planning at the regional level, and emergency services — may be governed partly by decisions made at the RSC level, not solely by your council. You may have representation on your RSC board.

✓ Council Sets Policy — Administration Implements It

Council: sets direction, makes decisions, approves budgets, passes by-laws. (LGA s. 46)
Chief Administrative Officer and staff: carry out decisions, manage operations, provide information and recommendations.

Your role as councillor is oversight and policy — not managing staff or operations. (LGA s. 9)
Overstepping this line creates friction, harms governance, and may create legal exposure.

6 FINANCIAL ADMINISTRATION & BUDGETS

Financial decisions are among the most consequential you will make as a councillor. New Brunswick's financial framework for municipalities is set out in Part 9 of the LGA (sections 99–105), the Control of Municipalities Act, and associated regulations. Understanding these rules is also your primary protection against personal liability.

The Annual Budget (LGA Section 99)

Every local government must adopt an annual budget before a specified date set by regulation. (LGA s. 99; Regulation 2018-71 — Local Government Budgets) The budget establishes:

- An estimate of the money required for operating the local government during the fiscal year (LGA s. 99(2)(a))
- The amount to be raised on the local government tax base (LGA s. 99(2)(b))
- The rates at which that amount is to be raised (LGA s. 99(2)(c))

Budget Failure

If a local government fails to submit its budget by the prescribed deadline, the Minister has authority to fix a local tax rate for that government. (LGA s. 99) This is a significant provincial override — and a significant embarrassment for council.

Personal Liability for Unauthorized Spending

This is one of the most serious risks for individual councillors. If you vote for an expenditure that is not authorized in the budget or by a proper council resolution, you may be personally liable to repay that amount to the municipality.

The Control of Municipalities Act reinforces this — financial accountability is strict in New Brunswick.

Protection: Only vote for expenditures that are included in the adopted budget or properly authorized by council resolution. If you are uncertain, ask the treasurer or CAO before voting.

Balanced Budgets

Operating budgets for local governments must generally be balanced. Utility budgets (water, wastewater, electricity generation) are also required to be balanced annually. Deficits and surpluses in utility operations can be recovered or credited over a four-year period.

Borrowing (LGA Section 100)

Local governments have limited borrowing powers. For current operations, a municipality may borrow up to 4% of its operating budget or \$15,000 — whichever is greater — for short-term operational needs. (LGA s. 100)

Long-term borrowing for capital projects and infrastructure requires proper authorization, often including provincial approval and compliance with the Control of Municipalities Act. (LGA s. 100; Control of Municipalities Act)

Reserve Funds (LGA Section 101)

Council may establish operating reserve funds and capital reserve funds. These are set aside for specific future purposes and must be managed in accordance with the LGA. (LGA s. 101) Council cannot delegate its power to establish these funds — only council can create or dissolve reserves. (LGA s. 9(3)(e))

Economic Development Authority (LGA Section 104)

The LGA gives local governments explicit authority to engage in economic development — defined as any activity to expand or maintain the local tax base. (LGA s. 104)

This can include:

- Selling land at below market value for economic development purposes (LGA s. 104(a))
- Providing grants to businesses or developers (LGA s. 104(b))
- Entering into agreements with other governments, individuals, or corporations (LGA s. 104(c))

However, there are strict limits on what councils may NOT do for economic development: (LGA s. 104)

- Cannot acquire or hold securities in a corporation (LGA s. 104)
- Cannot provide loans or guarantees (LGA s. 104)
- Cannot borrow money specifically for economic development purposes (LGA s. 104)
- Cannot make grants that directly reduce or reimburse taxes or utility charges owed to the municipality (LGA s. 104)

Annual Report (LGA Section 104.1 and Regulation 2018-54)

Every local government is required to prepare an annual report for the public. (LGA s. 104.1;

Regulation 2018-54) It must include information on:

- Grants made for social, environmental, and economic development purposes (Regulation 2018-54)
- Economic development activities undertaken (Regulation 2018-54)
- Services provided (Regulation 2018-54)

The annual report must be posted on the local government's website and be available for public examination at the clerk's office during regular working hours. (LGA s. 104.1)

Financial Oversight: Control of Municipalities Act

Beyond the LGA, the Control of Municipalities Act provides the framework for financial reporting and provincial oversight. Local governments must:

- Submit financial statements and audited accounts to the province within prescribed timeframes (Control of Municipalities Act)
- Have their accounts audited annually by an auditor who is a member in good standing of Chartered Professional Accountants of New Brunswick (LGA s. 76)
- Allow the provincial auditor to inspect financial records if required (Control of Municipalities Act)

✓ Councillor's Budget Protection Checklist

Before you vote for any expenditure, ask: Is this in the approved budget? If not, has council passed a resolution authorizing this specific expenditure?

If neither answer is yes, do not vote in favour. Ask for clarification from the treasurer or CAO first. Legitimate exceptions include: genuine emergencies threatening public safety, and expenditures legally required by statute.



7 PUBLIC PARTICIPATION & TRANSPARENCY

New Brunswick's LGA is built on the principle that local government is accountable to the public. Transparency and public engagement are not optional — they are legal obligations and practical necessities for effective governance.

Open Meetings Are the Default (LGA Section 68)

All meetings of council must be open to the public. This is a fundamental rule. (LGA s. 68) Closed sessions are permitted only in specific, defined circumstances — not as a matter of convenience or preference.

Public Notice (LGA Section 70)

When notice to the public is required, the LGA provides that it may be given by one or more of the following: (LGA s. 70)

- A newspaper with general circulation in the local government area (LGA s. 70)
- Radio or television with general circulation or broadcast in the area (LGA s. 70)
- Posting on the local government's website (LGA s. 70)

In all cases, notice must also be posted in the office of the clerk. (LGA s. 70) If a local government uses one of the above methods, it may also post the notice on social media as a supplement — but social media alone is not sufficient notice. (LGA s. 70)

Transparency Obligations — What Must Be Public

Certain documents must be available for examination by the public at the clerk's office: (LGA Part 7, s. 74)

- Meeting minutes (including records of votes) (LGA s. 74)
- By-laws and resolutions passed by council (LGA s. 74)
- Annual reports (LGA s. 104.1; Regulation 2018-54)
- Financial statements (Control of Municipalities Act)
- Any documents required to be available under the LGA or regulations (LGA s. 74)

Your Personal Transparency Obligations

As a councillor, your own behaviour must be transparent:

- Conflict declarations: Must be recorded in the minutes — creating a public record of your disclosures
- Voting record: When any councillor requests a recorded vote, how you voted becomes part of the public minutes
- Code of conduct: Your adherence to the code of conduct is a matter of public accountability
- Social media: Be careful — what you say on social media as an elected official is not purely personal. You can create legal exposure for the municipality and yourself

Public Hearings

Certain decisions — particularly in the land use planning area under the Community Planning Act — require public hearings before council can act. This gives affected parties the legal right to be heard before a decision is made. Failure to hold a required public hearing can invalidate the decision.

Access to Information and Privacy

New Brunswick's Right to Information and Protection of Privacy Act (RTIPPA) applies to local governments. Citizens have a right to access information held by the municipality, subject to defined exceptions. (RTIPPA) You have a personal obligation to protect personal information you receive in your role as councillor. (LGA Part 8; RTIPPA)

Social Media and Digital Communications — Practical Guidance

Navigating Social Media as an Elected Official

Separate your personal opinions from official council positions. Never represent a council decision as being something it is not.

Do not disclose information discussed in closed session — ever. The confidentiality obligation survives your term in office.

Beware of defamation. As a public figure, you have some protection in speaking about public matters, but you can still be sued for false statements of fact about individuals.

Social media is effectively a public meeting in some jurisdictions — be thoughtful about what you say.

A good rule: before you post, ask yourself 'Would I say this at a council meeting or in a local newspaper?'



8 KEY MUNICIPAL OFFICERS & ADMINISTRATION

The LGA requires local governments to appoint certain officers. These professionals are your partners in governance. Understanding their roles — and how to work with them appropriately — is essential to effective council operation.

Required Officers (LGA Part 7, Sections 71–86)

The Clerk (LGA Section 74)

The clerk is the administrative backbone of council. The clerk's duties include: (LGA s. 74)

- Keeping minutes of all council and committee meetings (LGA s. 74)
- Recording votes and maintaining official records electronically (LGA s. 74)
- Keeping all by-laws and resolutions on file (LGA s. 74)
- Making documents required by the LGA available for public inspection (LGA s. 74)
- Administering the oath of office to incoming councillors (LGA s. 57)
- Managing official notices and correspondence (LGA s. 74)

The clerk's office is where residents and councillors go for access to official records. The clerk must maintain documents in accordance with the LGA. (LGA s. 74)

The Treasurer (LGA Section 75)

The treasurer manages the financial affairs of the municipality. Key duties include: (LGA s. 75)

- Maintaining accounts and records of all financial information in accordance with the Control of Municipalities Act (LGA s. 75)
- Controlling the disbursement of municipal funds (LGA s. 75)
- Joint payment authorization: payments require the joint signature/authorization of the treasurer and the mayor (or other person appointed by council) (LGA s. 75)
- Preparing year-end financial statements for the annual audit (LGA s. 75; Control of Municipalities Act)

The Auditor (LGA Section 76)

Local governments must appoint an auditor who is a member in good standing of the Chartered Professional Accountants of New Brunswick (CPA NB). (LGA s. 76) The auditor's role is independent oversight of municipal finances — they report to council, not to the CAO.

The Chief Administrative Officer (CAO)

The LGA does not mandate a specific title for the senior administrator, but every New Brunswick local government appoints one. Depending on your municipality, this person may be called the Chief Administrative Officer, Executive Director, or Town Manager. Whatever the title, this person is the chief executive of the municipality — the professional link between council's decisions and their implementation.

The CAO's role typically includes:

- Overseeing all municipal staff and day-to-day operations
- Implementing council's policies and decisions
- Providing advice and information to council
- Preparing reports, recommendations, and the annual budget for council consideration
- Ensuring the municipality complies with the LGA and other legislation

Separation of Council and Administration

Council hires and evaluates the CAO. The CAO directs all other staff.

Individual councillors do not give direction to municipal staff below the CAO level. All requests for information or action should go through the CAO — not directly to department heads or frontline employees.

Violating this chain of command undermines good governance, creates confusion for staff, and can expose the municipality and individual councillors to legal liability.

Other Officers

- By-law Enforcement Officer: Appointed by council under the LGA to enforce municipal by-laws. Has specific powers and immunity under the Police Act. (LGA s. 72)
- Engineer: Must be a member of the Association of Professional Engineers and Geoscientists of New Brunswick and licensed under the Engineering and Geoscience Professions Act. (LGA s. 80)
- Solicitor: The municipality's legal counsel. Provides advice to council and the CAO on legal matters. (LGA s. 81)

One-Year Post-Service Restriction (LGA Section 83)

A former member of council cannot be appointed as an officer or employed by the local government until at least one year has elapsed after leaving office — unless the position is voluntary and non-remunerated. (LGA s. 83)

Bonding of Officers (LGA Section 84)

Officers and employees who handle municipal funds may be required by council to be bonded (i.e., carry a fidelity bond ensuring against financial loss caused by dishonest or fraudulent acts). This protects the municipality. (LGA s. 84)

Working Effectively with Administration

Practical Tips for Council-Staff Relationships

Get your information from the CAO. Your primary channel for municipal information is the Chief Administrative Officer. Going around this creates confusion and friction.

Provide policy direction — not operational direction. Tell the CAO what outcome council wants; let staff determine how to achieve it.

Respect professional expertise. Your CAO, clerk, treasurer, and planner have professional obligations and expertise. Listen to their advice even when you disagree.

Evaluate the CAO formally and regularly. Council is responsible for the CAO's performance review — do this consistently and in writing.

Raise concerns with the CAO first. If you have a concern about an administrative matter, raise it with the CAO before bringing it to a council meeting.



9 PROPERTY ASSESSMENT, TAXATION & MUNICIPAL FINANCES

Property tax is the primary revenue source for most New Brunswick municipalities. Understanding how the system works — from assessment to tax rate to collection — is fundamental to your role in financial governance.

New Brunswick's Property Assessment System

Unlike many provinces, New Brunswick's property assessment is conducted by the Province — not the municipality. Service New Brunswick assesses all real property in the province under the Assessment Act. (Assessment Act)

What This Means for Council

- Council does not set property assessments — you receive them from the province (Assessment Act)
- Assessed values are used to calculate the local tax base (LGA s. 1 — definition of 'municipal tax base')
- Property owners who disagree with their assessment may appeal to the Assessment and Planning Appeal Board — not to your council (Assessment Act)

Setting Tax Rates (LGA Section 99)

After adopting your budget, council must determine the tax rates required to raise the necessary revenue. The LGA requires council to: (LGA s. 99)

- Determine the amount to be raised on the local government tax base (LGA s. 99(2)(b))
- Set the rates at which that amount will be raised (LGA s. 99(2)(c))
- Do this within the timeline prescribed by regulation (LGA s. 99; Regulation 2018-71)

Your municipality collects not only municipal taxes but also provincial education taxes and, where applicable, other levies on behalf of the province. These pass-through amounts do not represent municipal revenue.

The Local Tax Base

The municipal tax base is the total assessed value of all real property in the municipality liable to taxation under the Assessment Act, plus the assessed value of Crown-owned property. This is the foundation on which your tax rates are applied. (LGA s. 1 — definition of 'municipal tax base') The provincial government provides equalization grants to municipalities under the Community Funding Act — these grants are calculated partly on the basis of the local tax base, providing additional fiscal capacity to municipalities with smaller tax bases. (Community Funding Act)

User Charges

In addition to property taxes, local governments may establish user charges for services they provide. (LGA s. 10(6)(e); LGA s. 1 — definition of 'user charge') User charges may be calculated on a per-consumption basis, a flat rate basis, or other methods, depending on the service. The LGA specifies that user charges cannot be calculated by reference to the value of the property — they must relate to actual use or units of service provided. (LGA s. 1)

Local Improvements (LGA Part 12, Sections 120–127)

A local improvement is a capital project that council considers to be of greater benefit to a specific area of the local government than to the municipality as a whole. The costs are charged against the properties that receive the direct benefit. (LGA s. 120)

The process for approving a local improvement includes: (LGA ss. 120–127)

- Council passes a proposal by resolution (LGA s. 121)
- Council gives public notice to affected property owners (LGA s. 123)
- Property owners have an opportunity to object (LGA s. 123)
- If sufficient objections are received, the project may not proceed — or a public hearing may be required (LGA s. 124)
- Council adopts a local improvement by-law to proceed (LGA s. 125)

Tourism Accommodation Levy (LGA Section 19.1 and 101.1)

Municipalities in New Brunswick may impose a tourism accommodation levy on the operators of tourism accommodations. (LGA s. 19.1; s. 101.1) This is a local revenue tool available under a 2019 amendment to the LGA. The use of levy revenues and applicable regulations are prescribed in the Act.

Financial Accountability — Key Annual Requirements

Requirement	Legislation / Reference
Annual Budget	Adopted before prescribed deadline; sets tax rates and service levels (LGA s. 69; Regulation 2018-71)
Annual Audit	By a CPA NB member; audits financial accounts and statements (LGA s. 76; Control of Municipalities Act)
Financial Statements to Province	Filed with the province under the Control of Municipalities Act
Annual Report	Published publicly on website and available at clerk's office (LGA s. 104.1; Regulation 2018-54)
Reserve Fund Reports	Accounting of all reserve fund balances and transactions (LGA s. 101)

10 KEY DEADLINES & CRITICAL REQUIREMENTS

This section summarizes the most time-sensitive and legally critical obligations you face as a New Brunswick municipal councillor. Use this as a quick reference checklist throughout your term.

Immediate — Upon Election

- Take your oath or affirmation of office — Required before you may exercise any council power
- Attend the first meeting of the new council — Must be held no later than June 15 following the election (LGA s. 63)
- Review your municipality's procedural by-law — This governs how your council operates — know it
- Review your municipality's code of conduct by-law — Legally binding conduct standards for all councillors
- Familiarize yourself with the conflict of interest provisions — Part 8 of the LGA — know what constitutes a conflict
- Identify the key officers — Know who your clerk, treasurer, CAO, and solicitor are — and how to reach them

Annual Requirements

- Adopt the annual budget before the prescribed regulatory deadline — Required; failure permits the Minister to set a tax rate for your municipality
- Set the annual property tax rates — Done after budget adoption, in compliance with the LGA and Control of Municipalities Act
- Ensure completion of the annual audit — By a CPA NB member; financial statements go to the province
- Prepare and publish the annual report — Posted on website and available at clerk's office
- Review CAO performance — Council is responsible for the CAO's evaluation — do it formally, at least annually

Ongoing — Every Meeting

- Declare any conflicts of interest before discussion of affected matters — Declare, leave the room, ensure it is recorded in minutes
- Ensure quorum is present before proceeding to business — Majority of all council members must be present
- Attend all regular meetings of council — Consistent unauthorized absence can result in your seat being vacated
- Vote on all matters — unless you have a declared conflict of interest — Abstaining without a conflict is generally not permitted
- Maintain confidentiality of closed session discussions — This is a continuing legal obligation

Key Legal Deadlines — New Brunswick Specific

Obligation	Legislation / Reference
First council meeting post-election	No later than June 15 (LGA s. 63)
Budget submission deadline	Set by Regulation 2018-71 — Local Government Budgets (LGA s. 99; Regulation 2018-71)
Annual report publication	Timeline set by Regulation 2018-54 (LGA s. 104.1; Regulation 2018-54)
Auditor's report	As prescribed under Control of Municipalities Act (LGA s. 76; Control of Municipalities Act)
Conflict of interest disclosure	Before discussion of the matter begins — at each and every meeting (LGA ss. 89–92)
Post-service employment restriction	One year from leaving office before taking employment or appointment with municipality (LGA s. 83)

The Big Five Personal Risk Areas — Know These Cold

1. **UNAUTHORIZED SPENDING:** Voting for expenditures not in the budget or authorized by council resolution can make you personally liable to repay the amount.
2. **CONFLICT OF INTEREST:** Failing to disclose a conflict and abstain can result in a complaint to the Local Governance Commission and removal from office.
3. **CLOSED SESSION VIOLATIONS:** Disclosing what was discussed in a closed session is a legal breach — it survives your term in office.
4. **ATTENDANCE:** Consistent unauthorized absence from council meetings can result in your seat being vacated.
5. **CODE OF CONDUCT:** Violations can result in a formal complaint, investigation, and penalties from the Local Governance Commission.

Conclusion: Good Governance Is Your Legacy

This guide has covered the essential legal framework governing your role as a New Brunswick municipal councillor. The Local Governance Act, as reformed in 2021 and fully operative since January 2023, gives you broad authority and places real obligations on you.

Key Takeaways

- **1. Your authority is collective:** You have power as part of council — not as an individual. Work through the process.
- **2. Personal liability is real:** Unauthorized spending, undisclosed conflicts, and code of conduct violations carry serious consequences.
- **3. Transparency is your shield:** Open meetings, public records, and disclosed conflicts protect both you and the public.
- **4. Broad powers exist for good reasons:** The LGA gives you wide authority to serve your community — use it thoughtfully for municipal purposes.
- **5. The Local Governance Commission watches:** New Brunswick's independent oversight body has real investigative and disciplinary power.
- **6. Administration is your partner:** Respect the council-administration boundary. Council sets policy; staff implements it.
- **7. Your community elected you:** Every decision you make either builds or erodes community trust. Lead with that in mind.

Need Help? Know Where to Turn

Your Clerk: First point of contact for procedural and administrative questions.

Your CAO: First point of contact for municipal operations and policy information.

Your Municipal Solicitor: For legal interpretation and risk management questions.

New Brunswick Department of Local Government and Local Governance Reform: Provincial oversight and guidance.

Local Governance Commission of New Brunswick (lgcnb-cglnb.ca): For questions about conflict of interest and code of conduct obligations.

13 Ways Inc. (13ways.ca | info@13ways.ca): For community building, leadership development, and strategic planning support.

There's always a way to build a stronger community.
This guide is your first step.

Document Information

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