VOTING AND DISQUALIFICATION FOR FAILURE TO VOTE

Does the Municipal Government Act (MGA) oblige councillors to vote when they sit on any committee or board established by council?

No. The relevant provisions of the MGA expressly state only that councillors at council meetings are obliged to vote. The provisions do not include councillors at council committee or board meetings, nor appointed individuals at council committee or board meetings. If the legislature intended there to be such an obligation, it would have included council committee meeting expressly in the voting provisions.

The absence of reference to council committee meetings is more noticeable in light of the fact that obligations on councillors at these meetings are included elsewhere in the MGA. For example, councillors at both council and council committee meetings are obligated to declare a pecuniary interest on a matter and must abstain from voting on such a matter. Individuals appointed to council committees who are not councillors are not under any statutory obligation to declare their pecuniary interest in a matter and abstain from voting on the matter.

Section 145 of the MGA states that council may establish council committees and their procedures through bylaws. Therefore, if council wants to oblige council committee members (both councillors and appointed members) to vote, they should include such provisions in their bylaws. For example, a bylaw could state that a committee member must vote or declare to the committee why he or she may not vote.

Relevant Legislation

Section 145 MGA Council may pass bylaws in relation to the following:

(a) the establishment and functions of council committees and other bodies;
(b) the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors and the conduct