

THE MUNICIPALITIES ACT

Charter of the Municipality of Portmore

Pursuant to section 3 of the Municipalities Act the Minister hereby grants the following Charter for the Municipality of Portmore:

Objects of Municipality

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Municipality

1. The objects of the Municipality are as follows -
 - (a) to provide for efficient and accountable management of the affairs of the Municipality of Portmore;
 - (b) to institute such measures as are necessary for ensuring that the management of the affairs of the Municipality are conducted in a manner which is responsive to the needs and aspirations of the inhabitants of Portmore;
 - (c) to provide a governance mechanism which will enable the inhabitants of Portmore to -
 - (i) participate in determining the social services and regulatory framework which will best satisfy their needs and expectations; and
 - (ii) verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction;
 - (d) to vigorously pursue the developmental opportunities which are available to Portmore and to institute such measures as are necessary for achieving public order and the provision of civic amenities, so as to enhance the quality of life of the inhabitants;
 - (e) to provide a high standard of social services in a cost efficient manner for the inhabitants of Portmore; and
 - (f) to promote social cohesiveness and a sense of civic duty and responsibility among all inhabitants and stakeholders in Portmore, in order to facilitate collective action and commitment towards achieving the goal of a

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harmonious and stable community.

Elections, Functions and Remuneration

Election
of Mayor.

2. - (1) The Mayor of the Municipality shall be elected during a general election of councillors of parish councils or members of the Corporation, as the case may be, as provided for under section 8 of the Parish Councils Act and section 14 of the Kingston and St. Andrew Corporation Act, respectively.

(2) The Minister may direct that there be a separate election of the Mayor for the first election of a Mayor of the Municipality.

Functions
of the
Mayor

3. - (1) The Mayor shall exercise the following functions -

- (a) preside over meetings of the Municipal Council and be an *ex officio* member of all committees of the Council;
- (b) act on behalf of the Municipal Council -
 - (i) in ensuring the execution of directives and decisions of the Council;
 - (ii) during all intervals between meetings of the Council;
- (c) nominate, for approval of the Council, the members and chairmen of the committees of the Municipal Council;
- (d) prepare and present for the approval of the Municipal Council, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Council;
- (e) be principally responsible for building and maintaining a strong alliance and effective working relationship between the Municipal Council and with all civil society, private sector and community-based organizations; and
- (f) such other functions as the Minister may, by order, confer upon the Mayor as the Minister sees fit or at the request of the Mayor.

(2) Where the Chief Administrative Manager fails to execute any directives or decisions of the Council issued to him, the Mayor shall take such steps as are necessary to ensure the execution of those directives or decisions.

Election
of Deputy
Mayor

4. - (1) At the first meeting of the Municipal Council held following the election of Mayor, the councillors shall elect one councillor to be Deputy Mayor.

Functions
of the
Municipal
Council.

- (2) The Deputy Mayor may be removed from office in such manner as may be prescribed in regulations made under section 17(1)(x) of the Act.

5. - (1) Subject to paragraph (2), the Municipality shall be governed by the Municipal Council.

(2) The Municipal Council shall -

- (a) with the exception of such functions of the St. Catherine Parish Council listed in paragraph (3), execute every power and duty of that Parish Council under any public or private Act, in respect of the Municipality to which the power or duty applied immediately before the coming into force of the Municipalities Act;
- (b) appoint a finance committee and other committees in the same manner as Parish Councils are authorised under the Parish Councils Act and any other Act pertaining to Parish Councils;
- (c) subject to the approval of the Minister, issue regulations, by-laws and orders;
- ~~(d)~~ impose user fees in respect of the matters within the jurisdiction of the Municipality; and
- (e) subject to the provisions of the Parochial Rates and Finance Act have the power to impose local rates in respect of the Municipality.

(3) The Municipal Council shall -

- (a) subject to the National Solid Waste Management Act, regulate solid waste management and in particular garbage collection and street sweeping;
- (b) be responsible for the provision of street lighting in the Municipality;
- (c) exercise the functions of the Local Planning Authority;
- (d) in accordance with the Minister's directions, exercise the functions of the Local Building Authority;
- (e) implement programmes for beautification;
- (f) perform functions relating to disaster management; and
- (g) provide municipal amenities and facilities.

Remuneration
of Mayor.

6. - (1) The remuneration of the Mayor and travelling expenses, shall be paid by the Municipality directly from its funds and resources.
- (2) The Mayor shall be eligible for a pension under the relevant law applicable to councillors.
- (3) In the absence or incapacity of the Mayor, the Deputy Mayor shall exercise the powers and duties of the Mayor.

Miscellaneous

Advisory
Council.

7. - (1) The Municipal Council shall, within sixty days of its inauguration, establish an Advisory Council.
- (2) The Advisory Council shall comprise such number of representatives of civil society, private sector and community-based organizations, within the Municipality, as the Municipal Council shall determine.
- (3) The Advisory Council shall –
 - (a) make recommendations in respect of the policies, programmes and plans of the Municipality;
 - (b) nominate persons to sit on committees of the Municipal Council;
 - (c) facilitate dialogue among sectors of the Portmore community in respect of issues that are pertinent to the advancement and proper governance of the Municipality;
 - (d) receive and review Annual Reports on the performance of the Municipality and be apprised of proposals for the annual budget of revenue and expenditure of the Municipality;
 - (e) be consulted in relation to the preparation and implementation of plans for the strategic and sustainable development of the Municipality;
 - (f) establish a special sub-committee of the Advisory Council to be known as The Municipality of Portmore Public Accounts Committee which shall –
 - (i) review the accounts and transactions of the Municipality;
 - (ii) examine any audit reports; and
 - (iii) request officers of the Municipality to explain any matters which the committee may require elaboration.

- ✓ (4) The term of office of a member of the Advisory Council shall be for two years and each member shall be eligible for reappointment.

Amendment
of Charter.

8. - (1) The Council may, at any time, after consultation with the Minister, seek to amend or revoke any of the provisions of this Charter by special resolution and such amendment or revocation shall have effect when approved by the Minister.

- (2) Where the Minister decides not to approve an amendment or revocation of the Charter, that decision shall be subject to affirmative resolution of the House of Representatives.

Special
Resolution.

9. For the purposes of Article 8 -

- (a) a "special resolution" means a resolution passed at one meeting of the Municipal Council and confirmed at a subsequent meeting;
- (b) notices of such meetings shall be given to each member of the Municipal Council not less than twenty-one days before the proposed date of the meetings; and
- (c) the resolution shall be passed at each meeting of the Municipal Council by a majority of not less than three-quarters of the members of the Council.

Dated this 22nd day of May, 2003



Portia Simpson Miller
Minister of Local Government,
Community Development and Sport