

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 are as follows -

Objects of

Municipality

1. (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 responsibilities among all inhabitants and stakeholders in Portmore, in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.

Elections, Functions and Remuneration

Election of

Mayors 2. – (1) The Mayor of the Municipality shall be elected during a general

election of Mayor *the Council shall elect one of its members to be*
Deputy Mayor.

- (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.

Replacement of the Deputy (3) In the event of the removal, death or incapacity of the Deputy Mayor, members of the Council shall elect from among their number a Councillor to fill that vacancy, either temporarily for the period of incapacity of the holder or in cases of death, removal from office or incapacity that is likely to exceed the un-expired term of the holder, for the un-expired term of the holder.

Functions

of the

Municipal Council 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 of duty applied immediately before the coming into force of the Municipalities Act;

- (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 step as are necessary to ensure the execution of those directives or decisions.

(3) (a) The Mayor, while presiding over a meeting of the Council, shall have a casting vote.

(b) A Councillor, while chairing any Committee of the Council, shall have an original and casting vote.

Election
of Deputy

Mayor

4 – (1)

At the first meeting of the Municipal Council held following

election of councilors 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 & St. Andrew Corporation Act, respectively.

- (2) The Ministry 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 ex officio members 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;

- (b) appoint a finance committee and other committees in the same manner as Parish Councils are authorized under the Parish Councils Act 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.
 - (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 Municipality 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 function 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 councilors.
- (3) In the absence or incapacity of the Mayor, the Deputy Mayor shall exercise the powers and duties of the Mayor.

The Portmore Citizens Advisory Council

Advisory Council 7. – (1) The Municipal Council shall approve and bring into force a Constitution for the establishment and functioning of a Portmore Citizens Advisory Council. This Constitution may be revised from time to time by the Municipal Council,

(a) at the request of the PCAC and/or

(b) in consultation with the relevant stakeholders and partners.

(2) The Advisory Council shall be constituted in accordance with the provision of the Constitution and shall comprise such member organizations that:

(a) Satisfy the criteria set out in the Constitution;

(b) Are compliant with the procedures and processes specified by the Constitution; and

© Are duly approved by the Council.

*and be transparent with
clear criteria*

(3) Each member organization of the Advisory Council which has been duly approved as such by the Municipal Council shall be entitled to nominate a representative to sit on the General Assembly of the Advisory Council. Such representative shall serve for the term of office of the PCAC during which they

are nominated and shall be eligible to be elected as officers or members of the Executive Committee of the Advisory Council.

(4) The Advisory Council shall –

(a) Make recommendations to the Municipal Council in respect of the policies, programmes and plans of the Municipality;

(b) Nominate persons to sit on such committees of the Municipal Council as the Council may deem appropriate;

(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 and are pursuant to the objects of the municipality.

(d) Take such initiatives or engage in such activities, either on its own or in association with the Municipal Council or other stakeholders or partners, which are considered to be beneficial to the inhabitants of Portmore and are pursuant to the objects of the Municipality.

(e) 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;

(f) Be consulted in relation to the preparation and implementation of plans for the strategic and sustainable development of the Municipality;

(g) 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 the General Assembly and the Executive Committee of the Advisory Council shall be for a period of two years and each representative or member shall serve for this period and be eligible for reappointment or re-election, in accordance with provisions in the Constitution.

Miscellaneous

Amendment

of Charter 8 – (1) The Council may, at any time, after consultation with Minister, seek to amend or revoke any of the provisions of this Charter by special resolution and such amendments 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 purpose 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 majority of not less than three-quarters of the members of the Council.

Dated this day of 2014

Noel Arscott
Minister of Local Government and
Community Development