

BILL 23

The Local Government Statutes Amendment Act

BILL 23

Amendments support Councils in governing

- objectively
- fairly, and
- with the best interest of their communities in mind

NEW REQUIREMENTS INCLUDE

- A Code of Conduct for Council Members
- Public Notice of Proposed Borrowing for Capital Projects
- A Tendering and Procurement Policy
- A Private Works Policy
- Tabling and Responding to Office of the Auditor General Audit Reports

THERE ARE ALSO CHANGES

- ▶ Expanding the Disclosure of Assets for Council Members
- ▶ Expanding the definition of “EMPLOYEE” for Election purposes
- ▶ Clarifying LUD Candidate Eligibility
- ▶ Clarifying who can sign nomination forms in ward elections.

CODE OF CONDUCT

Sets standards of behaviour for council members and enables them to censure a member who has breached the code.

- ▶ Effective January 1, 2013
- ▶ Applies to all members of council
- ▶ A guideline of STANDARDS & VALUES with
 - Fellow Council Members
 - Employees of the municipality
 - Citizens

CODE OF CONDUCT

- ▶ The Code is ENFORCEABLE – Censure
- ▶ Censure is voted on, majority plus 1
- ▶ Example of Code of Conduct and Sample Resolution in Procedures Manual

Majority PLUS ONE !

Council Size Head of Council and Councillors	# of members that may vote on a motion to censure	# of votes required for approval to censure (majority + 1)
5	4	4
6	5	4
7	6	5
8	7	5
9	8	6
10	9	6
11	10	7

PUBLIC NOTICE OF PROPOSED BORROWING FOR CAPITAL PROJECTS

Providing notice & information to the public prior to borrowing gives citizens information to enable them to voice their concerns.

- ▶ Effective January 1, 2013
- ▶ Public Notice given before 1st reading of by-law.

PUBLIC NOTICE OF PROPOSED BORROWING FOR CAPITAL PROJECTS

- ▶ Content of the Public Notice
 - Date / Time / Place
 - General Description
 - Estimate of total cost
 - The borrowed amount requested
 - Other sources of funding
 - Anticipated interest rate and term
 - Estimated rates of taxation
- ▶ Example provided in the manual.

TENDERING AND PROCUREMENT POLICY

Ensures spending decisions are objective & fair,
and municipal resources are used in the most
efficient and effective way

- ▶ Effective January 1, 2013
- ▶ Establish criteria for procuring by tender or other forms of competitive bids
- ▶ Procurement Methods
- ▶ Delegate Spending Authority

TENDERING AND PROCUREMENT POLICY

- ▶ Tendering Procedures
- ▶ Awarding Contracts
- ▶ Disposition of Assets
- ▶ Example in Procedures Manual

PRIVATE WORKS POLICY

Ensures practices for the private use of municipal equipment are clear & consistently applied

- ▶ Effective January 1st, 2013
- ▶ Must set charges (rates) for private works

PRIVATE WORKS POLICY

Application

- Written Application
- Cost Estimate (time frame)

Approval

- Council
- CAO or Designated Officer (Public Works Manager)

Administration

- Method of payment / deposits / penalties
- Liability
- Refusal of Work

REPORT FROM OFFICE OF THE AUDITOR GENERAL – OAG

- ▶ Effective IMMEDIATELY
- ▶ The Head of Council MUST table a copy of the report at the FIRST council meeting after the OAG's report becomes public.

REPORT FROM THE OAG

- ▶ Council must adopt a response to any recommendations of the OAG as soon as possible after the report is tabled.
- ▶ If the report indicates a measure to be implemented, the response must specify the time period of the full implementation.

The Municipal Council Conflict of Interest Act

- ▶ Effective November 1, 2014 (immediately following the next general municipal election)
- ▶ Members of Council are to include ALL LAND that they own in the Province of Manitoba on their Assets & Interest Disclosure Statement, not just within the municipality.

CHANGES MADE TO ELECTIONS

- ▶ Effective January 1, 2014

- ▶ Definition of Employee
 - Person employed by
 - – a municipality or
 - – an “affiliated body”

- ▶ Definition of “Affiliated Body”
 - A body affiliated with a municipality where the majority of the members are appointed by the municipality or one/more municipalities.

CHANGES MADE TO LOCAL URBAN DISTRICTS ELECTIONS

- ▶ Effective January 1, 2014
- ▶ Eligibility for nomination and election

Still meet the requirements of Sec 90(1)

Have been, for at least 6 months prior election

- A resident of the LUD
- Registered owner of land in the LUD

The Municipal Councils and School Boards Elections Act

- ▶ Effective January 1, 2014
- ▶ Requires person who signs nomination papers in a ward must be on the voters list of the same ward.

▶ QUESTIONS ?????

▶ CONTACT US:

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DON`T FORGET TO PUT THE AREA CODE FIRST – 204