



To: Council
From: Raymond Champagne
Date: December 11, 2007
Subject: Bill 130 – New Municipal Act

Recommendation:

That the CAO/Clerk be directed to proceed with necessary implementation steps to achieve compliance with the Municipal Statute Law Amendment Act, 2006 together with further recommendations on optional provisions contained in the Municipal Statute Law Amendment Act 2006 (Bill 130).

Background:

Revisions to the Municipal Act 2001 as proclaimed on January 1, 2007 will include a requirement under Section 270 for a municipality to adopt policies in six fields, being:

- Sale and disposition of land
- Hiring of employees
- Procurement of goods and services
- Provision of notice to the public
- Accountability and transparency of actions to the public
- Delegation of powers and duties.

Section 270 is not yet in effect but staff have been working on preparation of policies that will be required. Current By-laws address Policies 1 through 6 however these may need to be updated as required. Policy 5 is a new requirement and a first draft is included for review.

Optional provisions for Council include creation or appointment of the following:

- Creation of a Code of Conduct for Council members
- Appointment of an Integrity Commissioner
- Creation of a Lobbyist Registry
- Appointment of a Municipal Ombudsman
- Appointment of an Auditor General

As of January 1, 2008 any person may request an investigation into the holding of any closed session of Council to ensure the holding of the closed session was enabled by the Municipal Act and conducted in accordance with the Act. Council also has the option of appointing a Closed Meeting Investigator, however should such a position not be appointed, the role would automatically fall to the Office of the Provincial Ombudsman.

Staff will continue to review the requirements of the Act and bring forth recommendations to Council on adoption of policies and creation and appointment of codes and officers where warranted. There are certain new requirements under the Act for Council procedure and these have been included in the revised Procedural By-law that will be brought before Council at the next meeting. Public notice will be required of any changes to be made to the Procedural By-law in accordance with the Municipal Act, 2001.

Respectfully submitted,

Raymond Champagne
CAO/Clerk