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THE MUNICIPALITIES ACT

CHARTER OF THE MUNICIPALITY OF PORTMORE, 2015

In exercise of the power conferred upon the Minister by section 3(1) of the Municipalities Act, and of every other power hereunto enabling, the following Charter is hereby granted for the governance of the Municipality of Portmore:—

Preliminary

- Citation. 1. This Charter may be cited as the Charter of the Municipality of Portmore, 2015.
- Interpretation. 2.—(1) In this Charter “Municipality” means the Municipality of Portmore.
- (2) Where there is any inconsistency between the provisions of the Articles of this Charter and the Municipalities Act, the *Kingston and St. Andrew Corporation Act*, the *Parish Councils Act* or any other law, the inconsistency shall be resolved in favour of the applicable provision under the Act.

Objects of Municipality

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Municipality.

3. The objects of the Municipality are to—
- (a) provide for efficient and accountable management of the affairs of the Municipality;
 - (b) 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) 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) 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 of Portmore;
 - (e) provide a high standard of social services in a cost efficient manner for the inhabitants of Portmore; and
 - (f) 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 harmonious and stable community.

*Functions, Elections and Remuneration of
Officers of Municipality*

Functions of
the Municipal
Council.

- 4.—(1) The Municipal Council shall—
- (a) with the exception of such functions of the St. Catherine Parish Council listed in paragraph (2), 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 authorized 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.

(2) 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.

Election of Mayor.

5. The Mayor of the Municipality shall be elected during a general election of councillors of parish councils and members of the Corporation, as provided for under section 8 of the *Parish Councils Act* and section 14 of the *Kingston and St. Andrew Corporation Act*, respectively.

Functions of Mayor.

6.—(1) The Mayor shall exercise the following functions—

- (a) 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;
- (b) nominate, for approval of the Council, the members and chairmen of the committees of the Council;
- (c) prepare and present for the approval of the Council, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Council;
- (d) be principally responsible for building and maintaining a strong alliance and effective working relationship between the Council and with all civil society, private sector and community based organizations;

- (e) act as an *ex-officio* member of all committees of the Council; 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 Municipal 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.

7. At the first meeting of the Municipal Council held following the election of the Mayor, the councillors shall elect one councillor to be Deputy Mayor of the Municipality.

Acting
Mayor.

8. Pursuant to section 4A of the Act, in the absence or incapacity of the Mayor, the Deputy Mayor shall exercise the powers and duties of Mayor.

Casual
vacancy of
Deputy
Mayor.

9. Where a person, having been elected Deputy Mayor under Article 7, is not capable of exercising the powers or performing the duties of Deputy Mayor, by reason of his—

- (a) incapacity;
- (b) disqualification;
- (c) resignation;
- (d) ill health;
- (e) absence from three consecutive ordinary meetings of the Municipal Council without the leave of the Council;
- (f) death; or
- (g) being otherwise incapable of exercising the powers or performing the duties of Deputy Mayor;

that person shall cease to be Deputy Mayor.

Acting
Deputy
Mayor.

10. In circumstances where the deputy Mayor—

- (a) for a reason specified in Article 9, is absent or incapable of exercising his powers or performing his duties; or
- (b) assumes exercise of the powers and duties of Mayor under Article 8,

the Municipal Council shall, in accordance with Article 7, elect another councillor to exercise the powers and perform the duties of the Deputy Mayor, for the duration of the period of the Deputy Mayor's absence or incapacity or assumption and exercise of the powers and duties of the Mayor.

Remunera-
tion of
Mayor,
Deputy
Mayor and
councillors.

11. —(1) The remuneration of and any travelling expenses incurred by—

- (a) the Mayor;
- (b) the Deputy Mayor; or
- (c) the councillors,

shall be paid by the Municipality directly from its funds and resources.

(2) For greater certainty, it is declared that the Mayor, the Deputy Mayor and the councillors shall be eligible for a pension under the relevant law applicable to councillors of Parish Councils.

Amendment
of Charter.

12. —(1) The Minister may, at any time after consultation with the Council, amend any of the provisions of this Charter.

(2) The Minister shall cause a copy of the Charter as amended to be laid on the Table of the House of Representatives and the Senate within thirty days of the date on which the Charter is amended.

Revocation
of Charter of
the Muni-
cipality of
Portmore,
2003.

13. The Charter of the Municipality of Portmore, 2003, is revoked.

Dated this 23rd day of September, 2015.

NOEL ARSCOT
Minister of Local Government
and Community Development.

