

Prime Minister's Message

This revised Handbook is one of the most critical documents that you, the Councillor, will use in your service to the people of your Division or Municipality. This is a concise, detailed and clear guide to the quality of service that the people you serve expect, and which you



must deliver. This Handbook is indispensable to the process of governance at the local level, as there are many laws, regulations and policies to consider before conducting business on behalf of your Division, individually, and collectively, of your parish.

You are engaged in political representation at a time when the public demands that you should perform quickly, but simultaneously, obey all relevant laws, guidelines and policies. The prefatory notes of this Handbook explain it best: "Nimbleness and agility in policy implementation must however not trump ethical conduct and legal compliance. More than ever, citizens are defining progress in part, as the intersection where the services they need are provided in a manner that is above board. The constituency of the new age is clamouring for more responsiveness, more professionalism, more services that are customised to the needs of clients, more efficiency, more affordability, more effectiveness but not at the risk of accountability, transparency, fairness, equity, probity, decorum and integrity. Political representatives are therefore encouraged to strike a balance between and among these various values which are not mutually exclusive. "

This Administration is committed to the elevation of Local Government, as a driving force in and facilitator of job creation, economic growth and development. It is critical that you understand the implications of this. You will be entrusted with responsibilities that have not been devolved to Local Government structures for many years, and you will have to adapt to, and be students of new legislative and policy imperatives with eagerness and professionalism.

These are new and exciting times in local governance, and there is much more to come. In addition to the advice and guidance of more seasoned Councillors, you now have this formal guide which will give you the structure you need to be effective.

I endorse this Handbook, and I commend it to your thorough and continuous use, and expect that the experience of public service at the local level will be significantly enhanced, because you are the implementers of that experience.

The Most Honourable Andrew Holness, MP
Prime Minister of Jamaica

Minister's Message

This Handbook is a comprehensive effort to bring the myriad and expanding responsibilities of representatives at the local level under a structured legislative, regulatory and policy umbrella. This publication will be especially useful to every new entrant to political



representation through Local Government. It will help to answer the many questions which occupy your mind, not just about what you should do to effectively represent your Division, but simply, where you should start! Moreover, this Handbook is critical to you if you are an experienced Councillor, as its prescriptions are no less important to your success as the people's representative. As you proceed through the pages of this Handbook for the

first time, and thereafter, repeatedly for guidance, you will find it the ultimate reference document.

The Councillor's Handbook defines and provides the profile and substance of what a modern servant at the local governance level must reflect. It goes further, by showing you how the lofty ideals it identifies can be achieved.

This Handbook will help to shape not only your responsibilities to your constituents, but will put you on the path to be the developmental agent that your elevation to political service is intended to create. After all, you are the symbol of change – actual change and potential change. The transformation of the Jamaican society begins and is continued at the local level...through the various structures that emerge from and serve communities. As a Councillor, you are intimately connected to these and other developmental objectives and programmes. This publication will assist in no small way, to hone your skills and prepare you for further and greater service. It will help you carefully and fruitfully plan for the development of the areas and people you serve, and provide a clean break from the image of chaotic processes which have been traditionally associated with Local Government.

This Councillor's Handbook is a transformational document for change agents. This is a document for you. I strongly recommend that you not only read it carefully, but take its contents to heart and put them into daily practice.

Desmond McKenzie, MP
Minister of Local Government
and Community Development



A Committee of the KSAC in session

Introduction

The concept of Developmental Local Government is becoming more widely accepted by practitioners in the sector across the globe. A confluence of factors, including the disparity between the developed and developing world; increasing inequality within countries; the global Sustainable Development Goals; and the felt need to channel more attention to the improvement of communities, combine to drive the new focus. According to the Commonwealth Secretariat (2013 P. 8), Developmental Local Governments is defined as the recognition of Local Government as a key partner in ensuring sound economic, social, and cultural governance in communities.

The high premium being placed on this development thrust requires competent and visible leadership as its driving force, recognising that the political, social and economic landscapes are more complex today than they were a decade ago. No longer can elected officials depend on mere intuition to address the range of weighty concerns that confront the people who they represent. Citizens are demanding more from politicians at all levels in terms of their interaction with stakeholders, financial stewardship and effective communication balanced by high ethical standards. The development of new leadership skills to meet this challenge is vital, and it is through shared learning that elected officials will make complete use of the opportunity to provide genuine leadership to fulfil the development mandate.

There is no universal or single definition of development. Different models are used depending on the particular dynamics and needs of communities. Situational leadership, therefore, is crucial in addressing the problems that confront people, which hinder the development they desire for themselves and their communities. For Local Government Councillors, fulfilling the mandate is not simply ticking off manifesto promises on a checklist; it is about leadership which is responsive to the new development needs in a way that will evoke confidence and security from the citizenry.

Meanwhile, there is a greater requirement for the country to plan. National policies and exigencies of the public service demand that service delivery is predicated on a much more logical and structured system of operation. There is widespread acceptance that strategic planning is the method to achieve this end. Planned development is not seen as development by accident or development that results from *ad hoc*, haphazard activities. Rather, planned development is viewed as systemic, sustainable and organised. It is sometimes questioned how practical this kind of development is, considering the volatility, dynamism and the ever-changing nature of the environment in which organisations and people operate today. However, it is also widely recognised that failure to plan properly is a recipe for disaster. Conventional wisdom dictates that the best way to navigate turbulent times and mitigate, if not avert, crises is to plan for the risks they present. It is a duty that is intimidating to seasoned elected officials, let alone new entrants to the political system. Councillors, welcome to the new workplace.

Executive Summary

This revised Handbook contains three (3) sections and seventeen (17) chapters. Section A is a compact package with information about the various expectations of the Councillor both from a legal point of view and a practical perspective.

Chapter 1 begins with an introduction to the Local Government System in Jamaica, the Local Government Reform Programme, and some of the tools being used to drive the reform agenda. Any new Councillor should find great value in **Chapter 2** because it not only explains the initial steps into the job, but offers a guided tour of the first 90 days of holding office.

Chapter 3 outlines the roles and responsibilities of a Councillor. In this segment, primacy is given to the function to be performed as a decision-maker, communicator, negotiator, institution-builder and leader. A more comprehensive explanation of what the Councillor is supposed to do is reflected in the job description, which is presented in **Chapter 4**. It balances the technical skills that the official should possess with the more intangible but equally important competencies that he/she should also display. The main duties to be performed by the holder of the position are outlined in this chapter as fundamental factors for the attainment of the job objective, in the period the Councillor is expected to hold the position.

Chapter 5 wraps up the matter of how to become an effective Councillor by extending the focus to some areas that were highlighted in the chapter before. The virtues of teamwork and compromise are emphasised, as well as the benefits of having a cordial and cooperative relationship with the Administrative Directorate.

Chapter 6 delineates the functions of key committees of the Council and the source of the Council's powers in the discharge of its functions. The structure, composition and remit of staff, including the Administrative Head, form the focal point of **Chapter 7**. In **Chapter 8**, Councillors learn about how decisions are made in Council and in particular, how the by-laws are administered in relation to voting, public hearings, minutes and procedures for no-confidence votes.

Section B deals with the essentials of the job of a Councillor. This presentation starts in **Chapter 9** with a narrative about communication

as a critical enabler of proper representation. General tips are given about how to communicate and the strategies to employ, when faced with certain challenging situations. Community Development as a concept and an activity is the basis of the information in **Chapter 10**. It outlines the various methods to achieve real engagement with the people and the approach to take in developing a work plan to operationalise community projects and programmes.

Chapter 11 is devoted to strategic planning, which has been utilised haphazardly in many Local Authorities. The pre and post planning phases are given special focus, in order to address areas which are often ignored, due to a preoccupation with the planning development process. A distinction is made between the three-year Strategic Business Plan, formerly the Corporate Plan, and the annual Operational Plan as important planning tools. Financial Planning is also presented in this chapter as a subset of the Strategic Planning activity.

SECTION C pays attention to the matters that may not be front and centre in the Councillor's everyday activities but which are critical, given the likely consequences that may occur if they are ignored.

Chapter 12 looks at the Councillor's behaviour as an elected official. There is a code of ethics by which Councillors are expected to abide. The chapter outlines the type of behaviour deemed to be appropriate and inappropriate for holders of the office of Councillor. It also emphasises some key values that should provide the yardstick for the assessment of an effective Councillor. Guidelines about conflict of interest and disqualification are explored in **Chapter 13**, and the importance of Council records is addressed in **Chapter 14**, with emphasis on the Access to Information Act as the principal legal instrument. Mechanisms to resolve disputes are identified in **Chapter 15**, while remuneration is addressed in **Chapter 16**. This Handbook ends with an overview of the Association of Local Government Authorities of Jamaica (ALGAJ) in **Chapter 17**.

CHAPTER 1: Setting the Context

Local Government

Perhaps nobody knows the value of Local Government more than the people who work in and interact directly with its agencies and communities. Local Government touches people at the core of their existence by assuming responsibility for the provisions they need most for their survival. These services include the regulation of the funeral industry, coordination of disaster mitigation, preparedness and response, development control, municipal parking, aspects of traffic management, parochial road construction and maintenance and town planning. These areas, however, hardly capture the total range of benefits people derive from Local Government. Consider the following propositions put forward by the Commonwealth Local Government Conference, in 2009:

1. *Local Government has an important democratic mandate; its politicians and leaders are usually elected by the public. It therefore enjoys a substantial amount of legitimacy. It is also a vehicle which represents its locality; it can lobby for the area;*
2. *Local Government can support the democratic process in general by offering a potential alternative source of political power. It can provide a check on authoritarian tendencies;*
3. *Local Government, especially through building regulations, planning and transport policy and disaster management and mitigation, has an important role to play in the global climate challenge;*
4. *Given the diversity and large number of administrative units, Local Government provides many opportunities for policy innovation and experiments; and*
5. *The increases in both democracy and decentralisation, over the last 20 years, have made Local Government more important. People are keen to play a more proactive role in the decisions that affect their lives, and effective Local Government can facilitate this engagement.*

One of the clearest signals among Commonwealth leaders for their support of Local Government was expressed in their final communiqué, which was issued on November 17, 2013 at the Commonwealth Heads of Government Meeting (CHOGM) in Sri Lanka. They expressed a deep understanding of the role of Local Government in enhancing the quality of democracy, promoting economic development and improving service delivery to communities. In this vein, Commonwealth leaders gave strong endorsement for Local Government in influencing the post-2015 Development Agenda.

Local Government Reform in Jamaica

In its modern phase, Local Government Reform in Jamaica started with the publication of the Hill Report in 1943. In that pre-independence era, the Secretary of State for the Colonies wanted to know the state of the country's Local Government system, in view of the abolition of the Vestry System, which was over two centuries' old.



Professor Gladstone Mills (standing) author of the Mills Report 1974

Several reports later – the Brownstone Report (1963); ALGA Report (1968); Rodriguez Report (1970) and the Mills Report (1974) – the Local Government Reform process entered into a new phase, in 1993. That round of reform was one of the most comprehensive in the history of the country, and it was based on principles and a policy outlined in Ministry Paper 8/93. It was the tabling of that Paper which also led to the establishment of the Local Government Reform Unit in 1994. A number of follow-up legal developments were responsible for the deepening of the reform process:

- The enactment of the Municipalities Act in 2003, which directly led to the designation of Portmore as a second tier level of Local Government within the parish of St. Catherine;

- The publication in 2003 of Ministry Paper 7/03, which sought to operationalise Ministry Paper 8/93 by outlining an implementation strategy and an action plan to drive its policy recommendations;
- The re-establishment of the National Advisory Council (NAC) on Local Government Reform in 2004, in order to assess the progress of the reform agenda and chart the path to further advance the reform programme; and
- The establishment of a Joint Select Committee of Parliament on Local Government Reform in 2003 to review the proposals of the NAC and make recommendations to Parliament.

Tools of the Local Government Reform Programme

The principles of Local Government Reform are reinforced by various systems, industry players, institutional arrangements and legal provisions. Two of the most crucial reform instruments are the Reform Committees and the Local Public Accounts Committees (LPAC). They are being given special attention in this Handbook because of the challenges being experienced in their proper functioning, and the prospects they present for strengthening the Local Government system.

Parish Reform Committee

The Parish Reform Committee (PRC) is established to spearhead, oversee and coordinate all matters – including plans, strategies and actions, which relate to reform of local governance within that parish. In other words, the PRC is expected – on behalf of the Local Authority, to lead and manage the local governance reform process within the local jurisdiction, and to be the main vehicle for liaising with the national reform programme.

Specific areas of responsibility of the PRC include:

1. Ensuring that the Local Government fraternity in the parish is well informed and has a sound understanding of the concepts, content and rationale of Local Government Reform (LGR); and that there is an appreciation of the relevance of this initiative to enhancing the viability and effectiveness of Local Authorities.
2. Being the channel for communication, and liaison between the Local Authority, the Ministry and other reform partners, in conveying relevant information regarding implementation of Local

Government Reform interventions; coordinating the execution of reform activities with the Ministry and/or other agencies as required; and ensuring that pertinent feedback is provided, regarding the impact of reform initiatives/actions at the local level;

3. Monitoring the execution of reform assignments within the Local Authority to ensure that they are carried out in a timely and effective manner, that timely corrective measures are taken in the event of any failure to meet stipulated deadlines or to achieve designated standards;
4. Being responsible for ensuring that all local governance reform objectives and targeted outcomes related to a local jurisdiction are satisfactorily achieved;

Designing, planning and supervising the execution of a process to educate all stakeholders in the parish about local governance, local governance reform, local sustainable development and citizen empowerment.

6. Designing, planning and supervising a programme to educate all stakeholders in the parish about concepts and principles of decentralisation – with special focus on fiscal decentralisation – to inculcate a sound understanding of the importance of these principles in creating a policy framework for a viable local governance model.
7. Using the “Ideal Prototype of a Reformed Local Authority” model, to construct a local vision of its Local Authority. It is expected that this will exist at the conclusion of the reform process. Such a document would reflect the features, characteristics and unique qualities of the Local Authority which the citizens/officials of the parish deem to be essential for delivering the quality of local governance, local sustainable development and quality of life desired by citizens of the parish.
8. Leading the process of identifying the technical, managerial, political and organisational (cultural, attitudinal, interpersonal) deficits which exist within the Local Authority and the local jurisdiction.

Local Public Accounts Committee (LPAC)

The LPAC is a Committee of the Council established in accordance with relevant provisions of the Local Governance Act, 2016 and the Operations and Procedures, By-laws or Standing Orders of the Council. The LPAC is also responsible for the supervision and rigorous examination of the financial activities, transactions, management and performance of the Local Authority. The LPAC must supervise the Local Authority's performance in carrying out its statutory and regulatory responsibilities, as well as meeting established performance standards in delivering its services.

The LPAC shall have the authority to examine and report on the following matters:

- Reports of Internal and External Auditors;
- Reports and proceedings of the Council's Procurement and Audit Committees, or Reports produced by the Contractor General;
- Revenue and Expenditure Reports of the Council;
- Monthly and Annual Financial Statements regarding the accounts and financial status, transactions and performance of the Council;
- Reports regarding the Council's control, custody and use of its assets;
- Reports and other indications of the Council's performance regarding compliance with service delivery standards, benchmarks and guidelines;
- Citizens' Complaints Register and response mechanisms.

The LPAC shall have the authority to commission reports about any matter over which it has oversight responsibility, but about which it may not have sufficient information to make an informed assessment.

CHAPTER 2

Beginning the Job

Having been elected next, you must take your 'Oath of Office.'

The Oath of Office

Under the eighth Schedule to the Representation of the People Act, *"No Councillor shall sit or vote at any meeting of such Council until he/she has made and subscribed to the following declaration."* A Councillor's official tenure in office commences with the following declaration:

"I do solemnly affirm that I will to the best of my ability do my duty as Councillor of the Parish Council for the parish of..."

This Declaration, is based on the above mentioned Schedule, and shall be made after a General Election before the persons designated by the chief electoral officer to be Principal Returning Officer at such election, and on all subsequent occasions at a meeting of the Local Authority before the Chairman or other presiding Councillor.

In the first few weeks you will need to know:

- The rules under which the Local Authority operates, and associated legislation and regulations;
- Your role and responsibilities;
- How to navigate the structures and processes of the Local Authority in order to perform effectively;
- The sources of assistance and further information.

You will need also basic information about:

- Meeting times and venues;
- Your formal obligations;
- Council meeting procedures;
- The organisational structure of the Local Authority;
- The link between the political directorate and the administrative arm;

- What the Local Authority does and how it does it, for example, its strategic directions, the services it provides and the available facilities.
- The Council's relationship with other agencies, e.g., Public Health, NSWMA, MLSS, NWA, NWC, ODPEM and NGOs, etc.

If you are a new Mayor or Chairperson, you will also need to know about your leadership and civic responsibilities.

Your first 90 days...

There are some critical things you should do to make a smooth transition from your first day in the Local Authority to the first 90 days of your tenure.

1. Attend the orientation session of your Local Authority.
2. Ensure you receive information about all training exercises available.
3. Attend the introductory leadership workshop for newly elected Councillors, and attend the various workshops that are planned to allow you to become familiar with the business of the Local Authority .
4. Review the code of ethics and your job description.
5. Learn about meeting procedures.
6. Review personnel policies such as compensation and leave arrangements.
7. Meet the staff of the Local Authority to which you are elected.
8. Acquire a map of Jamaica and a constituency map with the Divisions in your jurisdiction.
9. Know the Local Governance Act, the Financing and Financial Management Act, the Unified Service and Employment Act and by-laws.
10. Review the minutes of your Local Authority from the previous three (3) to six (6) months.
11. Review the Council's Policy and Operational manuals, Strategic Plans, Parish Development Plans and Financial plans.
12. Hold discussions with your colleagues and key staff members about the process and methods that can be used to work effectively with your Council and the communities it serves and;
13. Identify strategies to drive your Community Development Plans.

CHAPTER 3

Roles and Responsibilities of a Councillor

Jamaica is a Constitutional Monarchy with two spheres of Government – Central and Local. Local Government has oversight of parochial infrastructure and poor relief and shares responsibility with Central Government for a range of services including water supply, environmental health and development control. There are 14 Local Authorities: 12 Parish Councils, the Kingston and St. Andrew Corporation and the Portmore Municipal Council within the parish of St. Catherine. Local Authorities are empowered to raise revenue through user fees, by-law penalties, trade licences and property taxes.

The Ministry of Local Government provides oversight for the laws governing the organisation, structure, powers, administration and financing of Local Authorities. The Councillor corps, headed by the Mayor, forms the political directorate of the Council/Municipality, and provides policy direction to the administrative arms of their respective Local Authorities.

Who is a Councillor?

A Councillor is a political representative who is in charge of a local area typically referred to as a Division, in Jamaica. Various Divisions make up a larger geographical area called a constituency for which a Member of Parliament (MP) is the parliamentary representative. In theory, the distinctions between the Councillor and MP are clear. However, in practice, the lines of separation between them are oftentimes blurred. This fact necessitates a close relationship between the two representatives, in order to ensure the good governance of the affairs of the parish and the Local Government system.

Generally speaking, Councillors are expected to be advocates by vigorously articulating the interests and needs of the Divisions they represent, and ensuring that adequate provision is made in the various programmes of the Local Authorities to address those needs in the context of available resources. Advocacy should be pursued always within the wider context of the overall and long-term good of the parish.

In respect of their Divisions, Councillors are expected to:

- Develop positive working relationships with counterparts in neighbouring Local Authorities, and identify opportunities for community development and joint ventures;
- Balance individual needs of citizens with the needs of the entire community;
- Present in a clear and articulate manner the concerns of the citizens of the Division;
- Provide leadership and guidance to all residents;
- Facilitate communication between residents and the Council by being accessible to them and assisting them to resolve problems;
- Monitor closely affairs in their Divisions and, in particular, the performance of State Agencies in carrying out their mandated functions. Where deficiencies are identified, the Councillor is expected to make the necessary representation to have the problems corrected; and
- Support legitimate community organisations within their Divisions and also within the parish. This includes maintaining communication, making regular visits to hear the concerns of communities, and reporting on their stewardship and issues of interest to community members.

For these objectives to be met, each Councillor should:

- Represent constituents by meeting with them to develop community work plans and holding and participating in community meetings to execute these plans;
- Act as an advocate for constituents in resolving particular concerns or problems;
- Be available to his/her constituents in order to answer questions, write recommendations and give advice;
- Attend community events such as graduations and civic ceremonies as part of ongoing representational duties;
- Liaise with local civil society bodies, non-profit organisations and entities such as the Ministry of Social Security, the Social Development Commission (SDC), the National Works Agency (NWA) and the Jamaica Social Investment Fund (JSIF) to facilitate development in the Division;

- Work closely with Zone Supervisors in identifying and addressing the needs of the Division;
- Work with the Parish Development Committees (PDCs) in planning for your Division;
- Attend all meetings of the Local Authority and all Committees of which they are members, and be punctual in attendance, as there is usually a set time within which such meetings must be started. Bear in mind that failure to have a quorum present by the stipulated starting time will result in its being aborted;
- Make representation to the Local Authority in all matters concerning:
 - Maintenance and repairs to Parish Council Roads within your respective Division (You can get your list from the Parish Council.);
 - Public cleansing and garbage collection;
 - Maintenance of parks and markets of the parish;
 - Upkeep and establishment of public cemeteries;
 - Installation of new street lights and maintenance of existing street lights;
 - The needs of the poor in the Division. (Liaise with the Poor Relief Department);
 - Establishment and maintenance of Minor Water Supply Systems, i.e. entombment of springs, construction and maintenance of catchment tanks and community wayside tanks;
 - Monitoring of the operations of Children's Homes, Homes for the Aged or shelters for the homeless (street people), to ensure their proper functioning;
 - Assistance in the control of public vending;
 - Participation in decisions regarding the equitable allocation of funds;
 - The establishment and maintenance of public parking facilities;
 - The establishment and maintenance of Transportation Centres; and
 - Enforcement of building regulations.
- Work with the Members of Parliament to ensure that activities are not being duplicated but are properly co-ordinated;

- Attend meetings of the Council and be fully prepared to participate in the deliberations on matters listed on the agenda. This preparation includes not only reading official papers, but seeking to obtain other information and perspectives that might be pertinent to the issues to be deliberated;
- Identify communities that are vulnerable to natural and other disasters, and seek to mitigate such vulnerabilities as well as ensure prompt and adequate response in the event disasters occur;
- Facilitate counselling of and access by constituents to Government services; and
- Act as a primary source for assistance to communities in Divisions that are seeking to embark on initiatives aimed at development or problem-solving.

Councillors should be fully knowledgeable about the Jamaican Local Government system. They should also know the tenets of Local Government Reform, and understand how this process will enhance the capacity of the Local Authority to perform effectively its mandated functions and strengthen the scope for local management.

To be completely effective within their Local Authorities, Councillors are expected to:

- Accurately represent the policies and decisions of the Local Authority;
- Play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of its regulatory functions;
- Act in accordance with relevant legislation and the protocols regarding decision-making, code of conduct, member/officer relationships;
- Promote the public image of the Local Authority and enhance public knowledge, understanding and support for its work. This involves embracing every opportunity to market the Local Authority and the institution of Local Government, as well as canvassing areas of dissatisfaction with the Local Authority or Local Government as a whole, and seeking to ensure those areas of dissatisfaction are remedied;
- Support the Mayor and Council in promoting developmental activities of the parish; and
- Actively participate in and maintain up-to-date knowledge of the issues affecting Committees of Council, working groups, partnerships, etc., and exercise delegated powers in connection with such work.

CHAPTER 4

Your Job Description

You have taken on a huge job that is governed by rules and regulations to which you must adhere. If you do it well, it could be the most rewarding thing you will ever do! You will be involved with individuals and groups with a range of problems and priorities.

People will have various perceptions about you. Some will think being a Councillor is a full-time job for which you are being handsomely paid. Others will hold you responsible for things which happened (or didn't happen!) before you were elected. This is to be expected, as you proceed to serve all the constituents in your Division.

Job Role

The Councillor must fulfil four (4) main functions:

1. Understand and represent the needs of the citizens in your Division;
2. Contribute to the wider strategic representation and decision-making activities that affect your constituents;
3. Participate fully in any committee, working group, or partnership established by the Council; and
4. Participate in any of the Council's activities as required.

Skills and Competencies Required:

Inclusive Leadership

- Ability to inspire and mobilise people to work towards the accomplishment of desired goals;
- Ability to mediate fairly and constructively and encourage trust by representing all sections of the community; and
- Ability to engage with the community to learn, understand and resolve issues of concern.

Analytical Thinking

- Ability to gather and examine the facts of a situation, and reason logically; and
- Ability to define problems, evaluate and select alternatives

for implementation.

Communication Skills

- Ability to listen keenly, use appropriate language and encourage conversation to ensure mutual understanding;
- Ability to interface regularly with individuals and groups in the community, in order to maintain a presence and a common touch with the people; and
- Ability to present arguments in a concise, meaningful and easily understood manner.

Stakeholder Management

- Ability to work in a collaborative manner with all categories of people and entities, in order to achieve goals;
- Ability to maintain effective networking, in order to foster long-term partnerships;
- Ability to provide updates to community and development partners about the status of projects; and
- Ability to build positive relationships.

Political Understanding

- Ability to work across group boundaries without compromising values and ethics;
- Ability to discern hidden agendas;
- Ability to act diplomatically;
- Ability to represent the interests of all persons and groups in the constituency, even if they do not support you as an individual; and
- Ability to plan and exercise conscious control over the amount of time spent on specific activities, to ensure maximum effectiveness.

Job Tenure

According to the law, the election of Councillors shall be held every three years. The term of office for a Councillor shall be from the date of his/her election until the election of members. Unlike Parliament, Local Authorities are not required to be dissolved prior to the holding of elections.

Goal of the Job

CHAPTER 5

How to be an Effective Councillor

The main goal of your job as a Councillor is to work with communities to find sustainable ways to meet their social and economic needs and improve the quality of their lives.

Represent the People

As a Councillor, you are a representative of all persons in your geographical area. This means speaking up for individuals and groups whether they voted for you or not. You will not always agree with them, because you have to consider the wider needs of the community as well as individual concerns. Talk to fellow Councillors about how they keep in touch with their constituents. Fulfil your promises and ensure that the people you represent see your actions in copies of letters you write on their behalf and the replies you receive.

Think about how you will deal with people. Approach your representation by:

- Evaluating the policies and programmes of the Local Authority ;
- Considering the needs of the people you represent; and
- Making recommendations that can improve these policies and programmes.

Be a Community/Civic Leader

Another important part of the job has to do with working with other groups and organisations to develop a bigger picture about the best solutions for particular communities or the Division. You will need to build linkages with the police, the health service, the electricity and water providers, benefit agencies and other groups. Good relations with these bodies will make it easier for you to advocate for your constituents. In your attempt to promote democracy and empowerment, you must from time to time ask yourself such questions as:

- How can I get input into the Authority's Council plans and processes from citizens, communities and interest groups?
- How can I demonstrate that I am available to and concerned about my community and/or constituency?
- How can I make sure the community is involved in implementing the plans and programmes of the Authority?

Represent the Council Well

As a Councillor, you are part of the political directorate of the Local Authority and you are individually responsible for ensuring that all of the Council's duties are effectively discharged. When in meetings Councillors exercise the legal powers which have been conferred on the Authority by various statutes and regulations. When you represent the Authority, you need to, at a minimum, individually and collectively, ensure that you:

- Properly execute the mandated responsibilities of the Council you represent.
- Take responsibility for management of the affairs of the parish, ensuring that available resources are utilised in the most cost-effective ways to address the needs of constituents.
- Provide political leadership towards forging consensus among parish stakeholders regarding local policy options and developmental objectives
- Represent effectively the citizens and communities of the Division
- Forge strong linkages between the Authority and the local communities.

You must put forward at all times the views of the Authority and, of importance, report to the Authority on progress made on all matters relating to it.

Be Accessible: Over the years, the cry of many citizens has been the challenge of reaching their political representatives. It is a reasonable request because politicians are, for many persons, the ultimate source of representation for the issues with which they grapple. Furthermore, many persons are likely to be stonewalled in their personal efforts to get the help they need from various agencies, unless they have the backing of their political representatives.

Additionally, it must be recognised that the political culture in Jamaica is one that emphasises the personal connection between the constituent and the representative. People want to see and hear from their political representatives in order to be satisfied that they are in tune with their realities. Councillors therefore have to understand these expectations and consciously arrange their lives around them. They have to schedule time weekly to meet with persons in their Divisions, walk through the communities, and arrange access through available technologies such as social media and mobile phone applications.

Whenever it is impossible for you to meet with a member of your Division or other stakeholders, communicate this in a clear manner. Similarly, if your schedule changes and you can no longer honour a commitment, communicate the change forthwith and endeavour to arrive at an alternative time that is mutually convenient.

Be Informed: This does not mean that Councillors have to be experts on every subject matter. However, Councillors must be sufficiently acquainted with the facts of the various issues about which they are required to speak or to which they are required to respond.

Your supporters and citizens routinely will make you aware of local developments. As a matter of course, your Local Authority will also provide you with updates through reports, memoranda and bulletins. However, you also will have to conduct your own research, in order to ferret out the details of what you need to know. While you are doing this, be mindful that the information you receive is not value free. It is laden with perspectives that reflect the inherent biases of the sources of the information. Indeed, it may be necessary to communicate to your understanding of this fact in a frank manner to your stakeholders, as you consult with and engage them. Among other things, it will reveal your awareness of the subtle undertones of communication and may allay doubts your constituents may have about your grasp of those factors.

Educate the Electorate: The political system is one of the classical agents of socialisation. In the case of Jamaica, this is reinforced by the deference many citizens display towards politicians and the paternalistic or matriarchal nature of the relationship between the politician and constituents. Local representatives therefore have a responsibility to use the social capital afforded them to enlighten the citizenry and transform their way of thinking, and education is the way to achieve this. Education is more than the transmission of information; it is a systematic process of imparting or acquiring knowledge and developing the powers of reasoning and judgement. Education is a critical enabler of effective communication and is the foundation of national transformation.

There are many things about which citizens have to be educated – relationships between Central and Local Government, the Budget preparation process, the legal framework within which Local Authorities operate, etc. Educating people requires courage because quite

often you have to tell the cold truth, which may be different from the popular view. It is a dilemma that presents a level of discomfort too, as misplaced anxiety among the constituents about the truth may cost you some level of support. When faced with this challenging situation, you have to consider the value of short-term losses against long-term gains, including the legacy of human and physical development you would like to leave behind.

Manage Your Time!

When you first walk into your new role, it is important to be aware that the most important resource is your time, and your will to carefully organise its use.

A) Take Stock!

Being a Councillor is time-consuming and it is hard work! It involves absorbing vast quantities of information, reading reports and correspondence and extensive contact with the public. It is therefore important to organise your time properly, particularly around the Authority's mandated activities, and your constituency meetings. Liaise with the Ministry responsible for Local Government regarding such processes as time off and absence. Think, too, about the time you set aside to deal with constituents' problems. Keep a diary for this purpose. Importantly, your use of time should reflect your priorities and ability to manage competing pressures.

B) Take a look at the territory.

There are committee meetings, group preparation meetings, pre-meetings, agenda meetings, working group meetings, political party-related meetings and external business meetings. Talk to experienced colleagues and ask them to help you understand the best ways to manage these commitments.

C) Define the returns you expect to get on your time.

Simply being in meetings will not achieve your objectives. It is important for the presence of a new member to be felt in meetings. If there are votes to be held, you will be expected to take part. Try to define how else you will measure the difference you can make, in relation to your existing skills.

D) Learn from the experts.

Do not underestimate the skills you will need to chair meetings effectively. Some people are good at chairing meetings. Observe them and learn. Look at how they encourage debate. Examine the

way they conclude debates, especially contentious ones, while keeping order. Know the terms of reference for committees, what they are legally empowered to do and their restrictions.

E) Exercise Teamwork

Your ability to set aside any differences you may have with your colleagues will help to determine how you can make a profound difference to the work of the Authority, its image in the community and your level of satisfaction. Carry people with you – work with others to achieve things. Use issues to unite communities and parties.

F) Know where you are going

You need vision and you need to set out your objectives. Know the difference between what is urgent, what is important and what is good. Be realistic about what you can do!

Work with the officers of the Local Authority

Politicians focus on outcomes –that is, what will happen. Officers broadly make those things happen. It is a partnership. Both parties are important!

a. Understand their pressures: In most Local Authorities, there is little or no spare capacity. People have their jobs to do and experience other pressures on their time. If you want something done, someone will have to rearrange his or her priorities to help you. Officers will do that, if they understand your perspective. ***You cannot direct or attempt to direct an employee of the Local Authority in relation to the discharge of the employee's duties.*** That is the responsibility of the Administrative Head.

b. Know what can and cannot be done: Resources are tight and Local Authorities have many obligations. If you want to get something done, try to make it fit within existing priorities.

c. Be polite, authoritative, and earn respect: As a Councillor, you are a public figure. Behave in such a manner that people will respect you, and be more willing to help you. It is never difficult to make enemies. If you embarrass officers, publicly berate them and engage in disparaging conversations about them, it may come back to haunt you. Remember, most Administrative Officers' careers are longer than those of political representatives. Do not build a reputation as a Councillor who should be avoided.

d. Learn to share the credit: You can achieve very little on your own!

e. Help officers see life from your point of view: Politics can be frustrating. Managing the competing pressures can be very hard. Not all officers know what it is like, so help them to appreciate your perspective by sharing with them.

Talk to the Media

As a new Councillor, you may be asked to speak to the media on behalf of the Authority about local issues. Your Council should have guidelines regarding who speaks and what is said to the media. Check this out first. Arm yourself with the relevant tools that will make you ready to engage the media.

Your first day in Council

Your first day's approach will be dependent on the type of meeting or meetings you are scheduled to attend in your official capacity. You will be required to attend several meetings, namely monthly Council meetings held on the second Thursday of each month, special meetings, town meetings and emergency meetings.

Prior to your first meeting, you should be invited to an orientation to the Local Authority that will inform you about its operations: its role, role of the Committees, your remuneration, dates for meetings, etc.

On your first day, you should proceed to the area designated for you to collect pertinent information such as minutes, reports, and other relevant documents. If you cannot locate the minutes for your first meeting, then you should find copies in the Local Authority's chambers.

During your orientation, you would have been informed about expectations regarding your conduct in meetings. Prior to your first meeting, you should have attended also the training seminar for elected officials, as this will introduce you to your new role and provide details about your job as Councillor. You will receive information about how to plan and conduct meetings, which will focus on the clarification of your role, the rules and procedures related to effective meetings, and the by-laws that govern such meetings. Prepare yourself for your first meeting by reading the material you received in these training sessions.

Being elected to the Local Authority of a parish is a challenging, yet rewarding experience. As an elected official, you have the opportunity to influence significantly the future of your community.

CHAPTER 6

Role of Council Members

- Consider the well-being and interests of the parish as a whole, and bring to Council's attention anything that would promote the well-being or the interests of the parish; and
- Keep in confidence any matter that is discussed at a meeting closed to the public until it is discussed at a meeting conducted in public;

The Chairman of the Council has a critical role. The Mayor provides leadership to the Council and is often the face of the organisation when responding to parish issues, articulating parish concerns, responding to media enquiries or attending major community and civic events.



Mayor of Montego Bay Glendon Harris leads a meeting of the St. James Parish Council.

In addition to the duties of a member of Council, the Mayor should:

- Provide leadership and direction to the Local Authority;
- Preside when in attendance at all the Authority's meetings, except where the it's by-laws provide otherwise by taking the chair and calling the members to order;
- Receive and submit in the proper manner, all motions presented by the members;
- Represent and support the Authority;
- Represent the Authority at all civic functions and carry out civic duties;

- Ensure transparency in the daily operations of the Authority;
- Act as a catalyst for change and development;
- Perform any other duty or function as assigned by the Authority; and
- Vote on matters put to a vote of Council.

Reporting Relationships

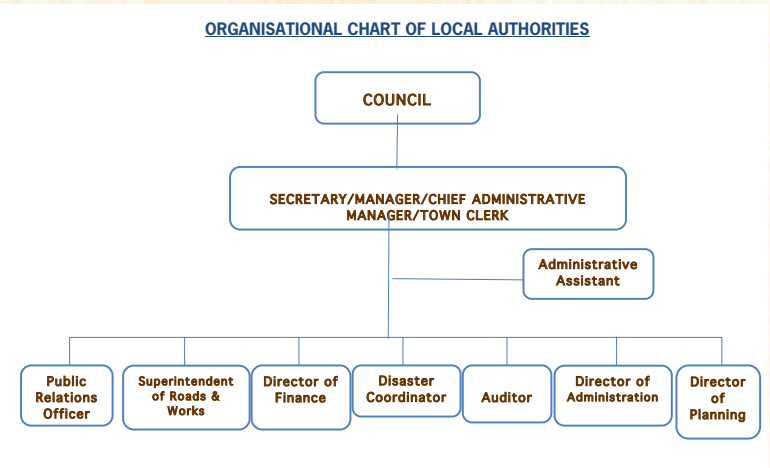
- Councillors report to the citizens.
- The Secretary/Manager/Town Clerk/Chief Administrative Manager reports to the Local Authority.
- The Staff (including department heads) report to the Secretary/Manager in the case of Parish Councils, the Town Clerk in the case of the Kingston and St. Andrew Corporation and the Chief Administrative Manager in the case of the Municipality of Portmore.

Diagram 1 outlines the organisational structure of the administrative arm of the Local Authority.

Role of the Council

Council's primary role is to ensure services are provided to citizens. This involves making decisions about which programmes and services are to be delivered (policymaking) and ensuring that the Council's administration provides the programmes and services in the most efficient way possible (programme monitoring).

Policymaking is how the Council gives direction to its activities. Many Councils have developed and maintained a policy manual to assist in



making consistent decisions. A policy manual outlines the steps to be followed regarding the different activities of the Authority.

Examples of information generally found in a policy manual include the expenditure approval process, tendering policy, and the employee evaluation process. In addition, you can review minutes of previous meetings to identify other decisions to be included in the manual. Any additions to the manual should be approved by the Authority. If there is no policy manual in your Local Authority, work towards creating one.

Programme monitoring is the regular review of programmes and services offered by the Authority, and comparing the results against its desired objectives. It is important to evaluate programmes to ensure they are achieving the desired goals and outcomes, and are implemented within time, within budget and with efficiency.

Questions that the Authority may contemplate during the review of service delivery programmes and policies include:

- Does the programme/service remain viable and realistic?
- Is the programme/service being delivered on time and within budget?
- Are there new approaches to delivering the same programme/service?
- Can it be delivered in conjunction with other partners to increase efficiency or broaden delivery of a desirable programme/service?
- Are applicable laws and regulations being adhered to?

The Authority has particular powers which include the power to:

- Make regulations,
- Power to make by-laws;
- Power to approve its annual budget,
- Power to approve adjustments to the budget,
- Power to approve the applications for the Development of Subdivisions and Buildings;
- Power to approve licences for Barbers and Hairdressers;
- Power to approve licences for Places of Amusement;
- Power to approve licences for Butchers;
- Power to approve the construction, repair and deviation of new and existing parochial roads;

- Power to establish abattoirs and markets; and
- Power to define town limits for general or specific purposes.

Role of Council Committees

Most Local Authorities establish committees to help them carry out their responsibilities. The appointment of committees reflects the fact that due to time and resource pressures, the complex and heavy workload cannot all be handled by the full Council. It is also an effective way of accommodating additional expertise and new perspectives.

Councillors should attend and participate in committee meetings, as they are the only recorded means through which they can speak about the concerns and issues pertaining to their Divisions. Councils are required by law to establish a Finance Committee to manage their finances. The Council has considerable flexibility in establishing committees, and appointments to committees are made by the Chairperson of the Council who is the Mayor. The Mayor is considered a member of all committees, unless the Council expressly provides otherwise in a by-law. Committees may comprise all members of the Council, or a combination of Councillors and other persons.

Generally there are four (4) types of committees:

Standing Committees

Standing Committees are delegated certain powers and duties to facilitate the administration of the Council. The committees formulate recommendations on policies and procedures to bring forward to the Council for consideration. Examples of Standing Committees include: Financial Management, Human Resource/Establishment, Infrastructure/Roads and Works, Trust and Estates Management, Public Health, Civic Affairs, Municipal and Commercial Services, Physical Planning and Environment.

Statutory Committees

The Poor Relief Committee is a Statutory Committee appointed under the provisions of the Poor Relief Act. This Committee comprises a specified number of Councillors, a representative of the Board of Supervision and co-opted members.

Ad Hoc Committees

Ad Hoc committees are created as special purpose bodies to investigate and report on particular matters. Once the committee has fulfilled

its purpose and reported to the Council, its mandate ceases and it is dissolved. Examples of *Ad Hoc* committees include: an Arena Committee (to research a new facility) or a Centennial Committee (to plan a centennial celebration for a city or community).

External Committees

The Council will appoint representatives to other committees, which are deemed 'external', where the Council has a vested interest in the committee's mandate. Examples of external committees include the Library Board and the Regional Health Board.

CHAPTER 7

Role of Council Administration

The Local Authority's administration exists to take care of day-to-day business. If citizens ask you for information about programmes and services, you should not hesitate to ask your Secretary/Manager, Chief Administrative Manager or Town Clerk to provide clarification.

The Administrative Organisation

The administrative organisation of your Local Authority and reporting relationships of senior staff are a Council's prerogative and generally reflect its size, services and priorities. Established posts must be approved by the Ministry of Finance. All Local Authorities should have an organisational chart illustrating their administrative structure. The chart will show the reporting relationship between

the Secretary/Manager/Chief Administrative Officer/Town Clerk, other department heads, and Council staff. Ask for a copy of the organisational chart and review it.

The Secretary Manager/Chief Administrative Manager/ Town Clerk

As the Administrative Head of the Council, the Secretary Manager/Chief Administrative Manager/Town Clerk is responsible for overall administration, financial management and human resource management. More specific responsibilities include ensuring that the Council's programmes and policies are implemented, advising and informing the Council about its operations, preparing the Financial Plan and establishing financial controls, and performing any other duties assigned by the Council.

The Secretary Manager/Chief Administrative Manager/Town Clerk is the Chief Administrative Officer of the Council, as stated in Section 16 of the Financial Administration and Audit Act. He or she plays a key role in the daily and overall functioning of the Local Authority, and frees Councillors to concentrate on policymaking and programme monitoring. Every Local Authority has a job description for the Secretary/Manager/Chief Administrative Manager/Town Clerk that clearly defines the duties and responsibilities of this person.



Robert Hill, Town Clerk KSAC

Designated Officers

Designated Officer positions (e.g., Superintendent of Roads and Works) are Establishment posts and are subject to the Secretary/Manager/Chief Administrative Manager/Town Clerk's supervision. A designated Officer may further delegate to the appropriate Officer of the Council such duties or functions given to him or her.

Staff Development

Staff should be trained adequately so that members can carry out their duties and become familiar with new developments in their field. Local Authorities should have staff development programmes in place to ensure employees are adequately trained. Check to ensure your Council has staff development opportunities available and encourage staff to participate. Making staff development opportunities available demonstrates that you value employees and may help to motivate them. A variety of educational opportunities are available for both new and experienced administrators.

CHAPTER 8

Council Procedures

Council procedures must be consistent to ensure order and efficiency. Consistent procedures also ensure accountability in Council decisions. The procedures by-law is one of the most critical documents, and must be observed by Councils.

Procedures By-law

A procedures by-law establishes rules or procedures for the Council's activities, enabling the Council and the public to understand how business will be conducted.

Specifically, the procedures by-law establishes the:

- Timeframe for distributing agenda items to the Council;
- Regular meetings of the Council, and the days, times and places of such meetings;
- Type and amount of notice for regular meetings of Council;
- Procedures to be followed and the type and amount of notice required to change a regular meeting;
- Rules of conduct at Council meetings;
- Rules regarding public participation, (e.g. citizens, stakeholder groups, and media) at Council meetings;
- Procedures for appointing a member of the Council to chair meetings of the Council in the absence of the Chairman and Vice-Chairman;
- Type and amount of notice for special meetings of the Council;
- Time within which a special meeting of the Council must be called by the Head of Council, if requested.

Review of the Procedures By-law

A review of the procedures by-law may be done more frequently than once a term, at the Council's discretion. If changes to the procedures established in the by-law are needed, an amendment to the procedures by-law is required.

Agenda

The procedures by-law provides for the preparation of an Agenda for each meeting of the Council (by the Secretary/Manager/Chief Administrative Manager/Town Clerk or other Designated Officer). A properly prepared agenda will list the items to be considered, and

the order in which they are to be considered. This ensures that:

- The public is made aware of the Council's business;
- The Council's business is dealt with in an orderly and expedient manner;
- Discussions of the Council are focused and streamlined;
- Meeting time is used efficiently by the Head of Council, who is responsible for presiding over the meeting;
- All important items of business are dealt with; and
- Prior to each meeting, each member should receive an agenda together with all the pertinent information, including the minutes. You should review this prior to the meeting. Remember that the public needs the agenda in advance as well.

Regular and Special Meetings of Council

The general rule is that all Council meetings are open to the public. Councils are accountable to the public for the decisions they make, and so the principle of openness is fundamental. Only in very specific situations should meetings be closed to the public.

There are two (2) types of Council meetings – Regular and Special:

- Regular meetings are held at a regular time and location, as set out in Council's procedures by-law.
- Special meetings are held in instances when important Council business may arise between regular meetings of Council. Such meetings may be called if the Chairman of the Council believes one is required, and must be called, if he or she receives a written request from at least five (5) members depending on the size of the Council. Notice of a special meeting must be given in accordance with the procedures by-law.

Also, be aware that the Council and Council committees must be "meetings in person," that is, each member must be physically present at the time and place appointed. A facility must be provided to enable all the meeting participants to speak, and to hear each other, and the public to listen. Council meetings require a quorum, which comprises the majority of the number of Council members (for example, a seven-member Council needs four members for a quorum).

Making Decisions – Resolutions and By-laws

Council decisions are made in one of two ways: through passage of a by-law or by passing a resolution in a meeting open to the public. Administrative functions of a Council are performed generally by resolutions and its legislative functions, through by-law. Resolutions are formal statements of decisions or expressions of the Council. They are adopted when the Council decides on a course of action. Motions are used to adopt monthly Financial Statements and accounts for payment, authorise a purchase or adopt the minutes. Debating a resolution is important because Council members have the opportunity to deliberate and consider other points of view. Keep in mind that final decisions must be recorded. A resolution of the Council is only valid if it is passed at an open Council meeting. This implies that members of the Council must have the opportunity to introduce a motion, obtain a seconder, debate the question, and have the decision recorded when a vote is taken. Any member of the Council (including the Head of Council) may present a motion and participate in the debate.

The member should present a resolution to the Chairperson at the time allotted on the agenda. The Chairperson will read the resolution and conduct the debate in accordance with the procedures by-law. Reflecting its administrative nature, only one vote is required for a resolution.

By-laws are the laws of the Council

Generally, a by-law is required for a matter with continuing application or broad, long-term effect. A by-law is passed by “reading” it



The Offices of the Manchester Parish Council

three times, with a motion for each reading being passed by the majority vote of the Council.

The parish passing a by-law has serious implications for the Council and for the public it serves. For these reasons, the Council will want to consider the following:

- Does the Council have the authority to deal with the matter (Is it within the power of Local Government to legislate)?
- What does the by-law propose to accomplish?
- Is the by-law necessary and reasonable?
- How is it to be implemented and enforced (Is Council prepared to enforce it consistently and can it be reasonably enforced?)
- What will be the cost of administering the by-law (can existing staff reasonably be expected to absorb the additional responsibilities, or will additional staff be required?)
- What will the impact be on the community, municipality or parish?
- Will it impose restrictions or hardships on particular areas or groups of people, and how will the Council deal with the public reaction?

Council decisions are a matter of public record. You have been elected to make decisions. This means that all Council members should vote on all resolutions and by-laws unless required to refrain from voting. In that case, you must withdraw from the meeting and not vote on matters in which you have a monetary interest. You must also disclose the direct or indirect monetary or business interest, and refrain from voting, discussing or attempting to influence the matter. Remember that it is your personal responsibility to ensure your behaviour does not create a conflict of interest!!

Voting

You are expected to participate and make decisions on behalf of citizens. Exercising your vote at the Council is therefore critical. All members of the Council, including the Chairman of the Council are entitled to a vote, and should do so, unless there is a conflict of interest. Any member may request a recorded vote, before the vote is taken. The meeting minutes must then show the names of the members present and how they voted.

When there is a tied vote on a motion, the Chairman (who is entitled to two voting options – original and casting) has the option of making use of his/her casting vote. The tie can be negative, only if the Chair-

man declines to use his/her casting vote.

Minutes

Council meeting minutes are the public record of its decisions. It is therefore extremely important for the minutes to be recorded accurately. The Secretary Manager/Chief Administrative Manager/Town Clerk is responsible for ensuring that the minutes of every Council meeting are made without note or comment. Members should not ask to have certain comments or observations “recorded in the minutes”. The recording of minutes is limited to the noting of:

- Attendance;
- Resolutions;
- Recorded votes;
- Reports of committees; and
- Presentations made by delegations



The new St. Elizabeth Parish Council building

Draft minutes should be available for members of the Council, within a few days of the meeting. Once the minutes are approved by the Council at its next meeting, they are considered public and therefore available to anyone who requests them.

Public Hearings and Meetings

Public involvement in the decision-making process is critical. By enabling and encouraging public input, the Council is more in step with people's expectations and priorities, and can develop effective responses to meet them. The Council must hold public meetings to share information and receive feedback. Councils should hold open houses once, or twice a year, to update citizens on Council business. Public hearings and meetings are ways of enhancing citizens' participation, and ensuring transparency and accountability of the Council to the public.

Procedure for Votes of No Confidence

1. Chairman

The Local Governance Act provides that a Chairman may be removed from office after the expiry of twelve months from the date of his/her election, on a motion supported by a majority of all the members of the Authority in such manner and form as may be prescribed.

The Local Governance Act states that the Mayor may be removed from office after the expiry of twelve months from the date of his election on a motion supported by a majority of all the members of the Authority in such manner and form as may be prescribed by regulations.

2. Vice-Chairman

The Local Governance Act provides that the Vice-Chairman may be removed from office after the expiration of twelve months from the date of his election on a motion supported by a majority of all the members of the Authority in such manner and form as may be prescribed by regulations.

The Local Governance Act states that the Deputy Mayor may be removed from office after the expiration of twelve months from the date of his election, on a motion supported by a majority of all the members of the Authority in such manner and form as may be prescribed by regulations.

According to the The Local Governance Act, a Chairman or Vice-Chairman may be removed from office:

- a) After the expiration of twelve months from the date of his election;
- b) On a motion supported by a majority of all the members of the Authority; and
- c) In such manner and form as may be prescribed by regulations.

The formal procedure or the manner and form in which the removal is to be carried out are to be prescribed by regulations. To date, no such regulations have been formally developed and remain outstanding.

SECTION B

CHAPTER 9: Communication and the Representative

Politics is, among other things, seen as a discussion among many interested parties, including lawmakers, lobbyists, policy analysts, media and ordinary citizens. Being a good politician means being a good conversationalist. However, little value will emerge if the communication process does not facilitate divergent viewpoints with a commitment among relevant parties to give and take opinions respectfully even when common positions cannot be reached. Politicians have to be particularly aware of this, because it can be easy to miss the essence of this interactive process.

Communication in the broadest sense covers the formal and informal; one-on-one and before a mass audience; in writing, in speeches and in discussion; with small, friendly groups of admirers and in front of larger, not-always-friendly crowds; on television, on the radio, on the Internet, in print; in the formal setting of the Local Authority or sitting at a lunch table.



Acting Mayor of Portmore, Leon Thomas in action on International Coastal Clean-up Day 2015.

Sometimes politicians have a chance to speak from a script, but more often they have to speak off the cuff, weighing their words as they say them. Some people are born with this ability, but for many persons, it is a skill learned with practice, and it is invaluable to a politician. Most audiences are less interested in hearing a speech read than in having it delivered in a way that seems fresh and sincere. They prefer dialogue with their

elected representative rather than a set speech. The good communicator should be as effective at a prepared speech, as at speaking in a responsive (question-and-answer) situation.

Paying attention to the mechanics of communication is also pivotal. You must obey the rules of grammar and know the bases of effective

public speaking. You must be able to write and speak clearly: pronounce your words correctly. Speak with confidence and enthusiasm, maintain eye contact, own your space on the platform or in the interview, speak to and not at your audience and learn how to modify what you say to the medium you are using.

Empathetic listening is an attribute of emotionally aware politicians and is a learned skill. You have to listen to people, not just hear them. This is a necessity whether they are members of an audience or they are your political opponents. This requires a commitment to giving keen attention to what is being said and humility to acknowledge that you are not the fountain of all truth. You should not be afraid to acknowledge the wisdom in someone else's perspective if it is given. You should bear in mind that in addition to the advice provided here, recurrent communications workshops conducted by recognised communications specialists are critical to the ability of senior Administrative staff and Councillors to think strategically and communicate effectively.

Communication values in the new era of governance

Increasingly, organisations are striving to anchor their operations and customer relations within a values-centred Corporate Governance framework. Values reinforce the normative expectations of individual and group behaviour and add moral depth to the mandate of the organisation. As agents of the Local Authorities, Councillors have an obligation to adhere to certain moral codes in their communication with various stakeholders. Pivotal to this undertaking and commitment are the following values:

Transparency: This means that decision-making processes are open to public scrutiny, assessment and review.

Accountability: This refers to adherence to specific legal and regulatory restraints and requirements for reporting.

Responsiveness: This means that public policy must address the needs of citizens in a timely and appropriate manner.

Essentials of sound communication

Be Genuine and Sincere

Regardless of political affiliation, people tend to prize politicians who are honest and authentic. While a compelling message is essential, it will fall flat if the audience questions the character of the person delivering it.

Be Personal

The tone of your voice, eye contact and the gesticulations you use will be noted by your audience and will determine how you are perceived. The fact is, unless people are in tune with you, they will not care about your message. Great care must therefore be exercised in expressing emotions. Wisdom is essential, as every word and expression will be scrutinised, and you may find yourself being parodied on social media and in mainstream media and theatre, if you utter errors, misstatements or contradictions.

Master the Medium

Learn to master all media you use to communicate. This starts from the presence you exude when you walk into a room to the intonation of your voice when you stand to address an audience. Mastery of your verbal and non-verbal communication is critical, and in this regard your conduct, especially in the presence of video cameras, should be carefully considered. Rolling your eyes, sighing, shuffling papers, an unsteady gaze and other forms of non-verbal communication that would not be noticeable in a radio address or during a live performance are amplified on television, and can be devastating to your communication efforts.

Crisis Communication

No two situations are alike. When challenges arise, you should:

- Confirm the extent of the crisis;
- Involve senior officers quickly to determine the most effective response or series of responses;
- Develop a clear, coherent, consistent message;
- Provide full and accurate information to your internal team;
- Designate a spokesperson to talk with media if the consensus is that you are not the best person; and
- Channel all enquiries to the designated spokesperson.

Interviews with the media

It is virtually impossible for Councillors to avoid a direct or indirect encounter with the media. This is partly because they hold public office and their actions are always in the glare of the public. Interaction with the media requires special skills and heightened awareness.

Never take a cold call. If a reporter calls or visits you, never agree to an immediate interview unless you have anticipated the interview

and are prepared. However, find out as much information about the interview as possible and set a time to do it later.

Ask questions. Ask about the subject of the interview, who the audience is and when the story is likely to be broadcast or published. Ask how long the interview will take; be careful with interviews, about controversial topics.

Define your messages.

There is only one reason to give an interview: to communicate your messages. Regardless of the issue, before you agree to do an interview, you must clarify your messages and decide whether an interview is the best way to communicate them.

Do's and Don'ts for Media Interviews

Do have something to say. Carefully consider what you want to say, and practise how you are going to get it across to yield positive outcomes.

Do get information about the interview process. Find out what the process is and make **no** assumptions. The host of the interview may cover a wide range of topics related to your Division or Council, and you must be ready to answer credibly.

Do pause before answering. Take a brief moment to consider your response.

Do consult with the Communications Department of the Ministry of Local Government. This advice should be heeded, especially when you are doing an interview for the first time or there are controversies surrounding the subject matter of the interview. The Ministry team will work with you to craft your message, design a communication strategy and help you plan your delivery.

Don't ramble. Deliver your message concisely, and then stop talking. Wait for the next question. Become comfortable with silence.

Don't discuss hypothetical situations or unfamiliar matters. Speak to the facts of an existing situation.

Don't argue or interrupt. You don't have to agree, but don't argue, either, or interrupt.

Don't lose your cool. You can say that you prefer not to comment, but never get angry. In taped interviews, viewers may see only your angry response and not hear the question that prompted it.

Don't lie or bluff. If you don't know an answer, say so. You can damage your credibility by speculating incorrectly. If you should know the answer but don't, offer to research the answer, and then be sure to follow up.

Don't clash with the Council's policies. It makes you look uninformed, stupid or defiant if you do so. In order to avoid unpleasantness or embarrassment, do enquire about the policy direction before you speak for the Council.

Develop a personal communication strategy.

- Find out the interviewer's interest;
- Decide what you want to communicate;
- Arm yourself with the information needed;
- Role-play with your own people;
- Prepare notes as talking points but do not read your answers; and
- Invite assessments of your performance before and after the presentation or interview.

Assessing Your Communication Skills

A Councillor's most critical assessors are his or her voters. They decide whether he or she should be returned as their representative. The impression the Councillor creates on other stakeholders, though not as crucial, may be influential on his or her career. The checklist outlined below can help you examine the quality and impact of your communication style and strategy.

Positive – things that must be done

- Provide regular feedback to people, making sure they are kept informed;
- Regularly inform and communicate with the community using all available media (e.g., Internet, newsletters, email) and through personal visits;
- Listen to others, check for understanding and adapt the communication style as required;
- Create opportunities to communicate with different sectors, including vulnerable and hard-to-reach groups;
- Speak confidently in public settings; and
- Communicate clearly in spoken and written forms. Use appropriate language and avoid jargon.

Negative – things to avoid

- Slowness to respond to others;
- Failing to listen when people are speaking and using foul, inappropriate or insensitive language;
- Unwillingness to deliver unpopular messages, or a tendency to use information dishonestly to discredit others;
- Unwillingness to participate in meetings and lacking in confidence when speaking in public; and
- Presenting confused arguments and using poor language and style.

The above checklist has been adopted from Professor Jo Silvester's publication – The Local Government Association (LGA).

CHAPTER 10

Engaging People – Building Communities

Councillors need to engage with all local stakeholders to ensure sound governance and to maintain current understanding of issues and concerns facing their communities. It is through community engagement that Council decisions will incorporate the views and perspectives of stakeholders in the implementation of policies, programmes and services.

What is Consultation?

For the Government of Jamaica, consultation is defined as a process which provides an opportunity for groups and

individuals to participate in decision-making. Consultation needs to begin at the earliest possible time when policies, plans, programmes or services are being developed. Very often, the terms 'consultation' and 'participation' are used interchangeably in relation to the involvement of stakeholders in the decision-making process. However, there is a distinct difference between consultation and participation, as participation in the development context refers to a long-term activity, within which individuals and communities are fully involved in decision-making, take ownership and are actively involved in the identification of problems, formulation of plans and the implementation of decisions. Consultation, on the other hand, refers to a process of seeking the views of individuals, groups and communities on specific issues. More specifically, consultation is defined as an exchange of information and ideas between affected and interested people and decision-makers, **before** a decision has been reached.

Why Consult?

The Government of Jamaica Consultation Code explains the importance of consultation as follows:

Consultations allow stakeholders to discuss and debate major policy decisions that affect them, and enable interested parties to suggest alternative proposals. At the same time, participating in consultations gives those involved the chance to have a better understanding of

the likely impact of proposals on individuals, families, communities and businesses. Consultations inform Government activities by providing opportunities for valuable input and feedback from representatives of Local Authorities, civil society organisations, individual citizens, academics and technical experts.

Consultations are a critical element in the initiation or revision of policies, services, programmes or plans, and should be considered in assessing the impact of Government activities and monitoring and evaluating the implementation of Government policies and programmes.

Involve Civil Society

There are four (4) levels of local governance structure within civil society.

Level 1 Structures are called community-based organisations (CBOs) and represent a special interest or segment of the community. CBOs include youth clubs and other youth/sports groups, citizens associations, parent-teacher associations, cultural groups and other special interest groups.

Level 2 Structures are clusters of community organisations representing the interests of a wider cross section of citizens and CBOs within a community, and are referred to as Community Development Communities (CDCs).

Level 3 Organisations are called Development Area Committees (DACs) representing the interests of CDCs and other stakeholders across clusters of communities called Development Areas.

Level 4 Organisations are Parish Development Committees (PDCs) that bring together key stakeholders (e.g. service providers, elected representatives, DACs, etc.) at the parish level to address parish development issues.

Rules of Consultation

The Consultation Code reveals a number of special requirements.

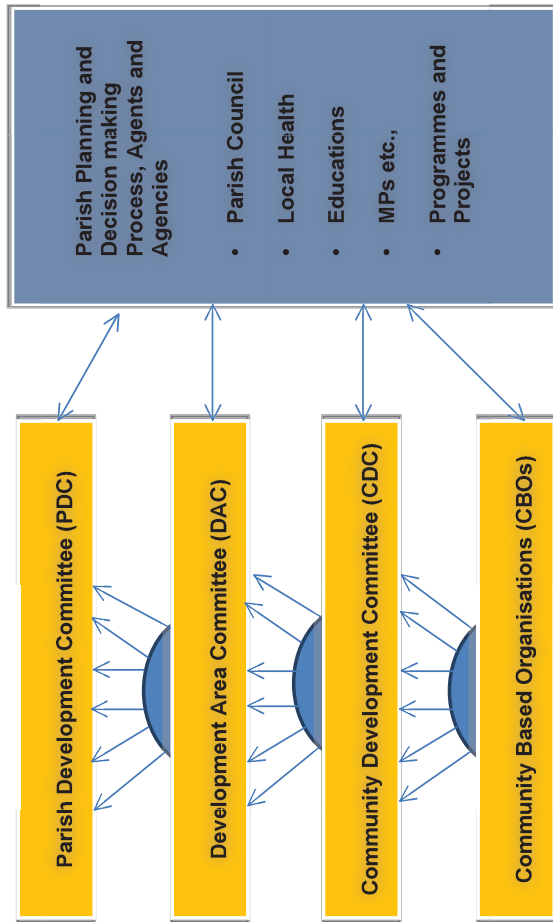
1. Develop clearly structured proposals

- State all possible options to be considered in respect of the proposal;
- Be specific about issue to be addressed
- Provide supporting information;
- List persons or groups consulted; and

- Provide contact details and relevant information.

2. Make consultation material concise, easily understandable, and widely accessible

PARISH PLANNING AND DECISION MAKING PROCESS



- Use plain language;
- Make proposals concise; and
- Use all available and relevant media for dissemination.

3. Facilitate the ability of stakeholders to participate in consultations

- Conduct stakeholder analyses;
- Provide adequate time for responses to proposals; and
- Hold informal consultations.

4. Respond to feedback and report on the consultation process

- Acknowledge all feedback;
- Carefully analyse responses;
- Provide a summary of all feedback; and
- Advise on how feedback information will be used.

5. Monitor the effectiveness of consultations

- Reproduce minimum rules in all consultation documents
- Identify a consultation liaison officer;
- Evaluate all consultation exercises; and
- Record all consultation activities.

6. Follow policymaking best practice guidelines in the development of proposals

- Reduce red tape; and
- Assess proposals for cost, benefits and risks.

Councillors should aim to utilise the following engagement principles:

- **Inclusiveness** – Connect with those hardest to reach... reaching out;
- **Openness** – Explain all sides to a proposal and provide reasons for actions that are taken;
- **Mutual Respect** – Show regard for various viewpoints and honour people's contributions;
- **Integrity** – Be honest and have strong moral principles;
- **Sincerity** – Do not consult for the sake of consultation; be genuinely interested in hearing what people have to say;

- **Safety** – Let all parties feel comfortable and assure them they will face no negative consequences by being honest in the consultative process.

The Consultation Process

As a guide, Councillors are encouraged to consider the following process:

Step 1: Develop consultative strategies;

Step 2: Select target customers and stakeholders;

Step 3: Conduct agreed consultative activities;

Step 4: Analyse feedback and comments;

Step 5: Communicate feedback results; and

Step 6: Amend the plan to reflect feedback.

Liaising and consulting with stakeholders is an integral part of being an effective Councillor. It is imperative that you strive to create and maintain a favourable physical and cultural environment, where the communities in your Division can grow and prosper. Developing communities is what your job is all about. How well you do this is the standard by which your success as a Local Government leader will be judged!

Community Development Plan

A good community development effort is usually based on sound long-term planning, so that basic amenities such as street and utility improvements, economic development, health care and environmental projects, to name a few, can be handled in ways that complement each other.

Here are some pointers for the preparation:

Be Strategic: Develop a strategy of what to do, and then stick to it.

Focus on the community: Look to the community to identify its own needs, prioritise responses and truly lead the development process.

Build Capacity: Invest not only in community “hardware” (physical and economic infrastructure) but, even more importantly, in human “software” (building capacity so that local leaders can replicate successes on their own, in the future).

Work in Partnership: Partner with civil society, your Local Government peers and the business community in the design and implementation of development programmes, while maintaining active involvement, throughout the process.

Design for Sustainability: Think about the challenge of social, economic and ecological sustainability at every step of the design and implementation phases.

The basic features of a Community Development Plan are as follows:

1. **Introduction** – Highlight the geographical boundaries, the demographic profile, issues faced by residents in the community and any other relevant background information on the Community Development Planning process for the community concerned.
2. **Vision** – State the community's aspirations over the mid-term to long-term.
3. **Community Values** – Present the principles that will guide the conduct of persons in the community, and that will underpin the design and implementation of the Community Development Plan.
4. **Stakeholders** – Make a list of all the persons and entities that should be consulted with and taken into account if the plan is to succeed.
5. **Goals** – State what the community hopes to achieve over the life of the plan.
6. **Strategic Actions** – Outline and provide details of the activities the community will be engaged in over a three (3) year period to address its issues, and thereby meet its strategic objectives.
7. **Monitoring Framework** – Explain how the community will track the progress of its strategic actions.
8. **Budget** – Outline the costs that will be incurred to drive the Community Development Plan and state the sources of income.

Work Plan

You should prepare a work plan based on the strategic actions out-

lined in the various Community Development Plans in your Division. It is your personal plan for addressing the expressed needs of your constituents. Your work plan, therefore, should be comprehensive in scope but realistic.

Your work plan should have the following features:

1. **Background** – State the reasons for creating this work plan.
2. **Goals and Objectives** – Goals should focus on the big picture of your project. List the desired ultimate outcome of your work plan. Keep it broad; for example, your goal could be to work with all residents in your Division to find sustainable ways to meet their social, economic and material needs. Objectives should be specific and tangible. In other words, you should be able to check these off your list when you accomplish them, for example, to implement all the strategic actions in the Community Development Plans by agreed timelines.
3. **Activities** – Indicate what exactly you will be doing and for whom. Lay out what population you are going to serve and any specific actions you will use to help that population.
4. **Performance Measures** – For each activity, state how you will know you are achieving the outcomes you desire. Use indicators that are specific, measurable, achievable, relevant and time-bound (SMART).
5. **Resources** – Include anything that will be necessary for you to achieve your goals and objectives.
6. **Constraints** – State the obstacles that may get in the way of achieving your goals and objectives.
7. **Strategy** – Look over your work plan and decide how you will use your resources and overcome your constraints in order to reach your goals and objectives. Be specific. Identify what needs to happen each day or week for you to complete your objectives. List steps other people on your team will need to take. Some of your strategies may include the following:
 - Sharing your vision with citizens, using the consultative process and seeking to adopt the agreed goals at the next Council meeting,

through the process of resolutions. Formally adopting a Development Plan will give it more weight and authority within the community.

- Establishing a sub-committee in your Division to handle the planning of the activities to be implemented.
- Holding public hearings or informal meetings to discuss different ways of achieving the desired goal.
- Delegating specific jobs to members or volunteers in the community, as well as to fellow Council members. Ensure that a time-frame is allotted for each activity.
- Developing a budget with identified sources (human, financial, equipment, facilities, etc.).
- Soliciting feedback through continuous community engagement, via public hearings, fora, surveys or other monitoring mechanisms.
- Preparing regular progress reports of your work plan activities for submission to the Council.

CHAPTER 11

Strategic Planning

Local Authorities engage in Strategic Planning to determine their priorities over a three (3) to five (5) year period, and the resources that should be allocated to support those strategic areas. The outcome of the process is a Strategic Business Plan (formerly the Corporate Plan) which informs an annual Operational Plan and several other documents including a Financial Plan.

The Strategic Business Plan serves as the Local Authority's strategic framework for action in the future. The Strategic Business Plan should be prepared on the basis of an organisation-wide strategic approach. The plan should be a living document and not a historic showpiece. Hence, it should be relevant to the circumstances of the individual organisation, whilst promoting flexibility to meet the demands of a changing environment. That is why it is so important for the organisation to be honest in the strategic analysis of its challenges and needs. The Plan should be a blueprint to help the organisation navigate its way through strategic periods.

Alignment is a critical watchword for Local Authorities. The Plan should be vertically and horizontally agreeable with a range of other strategic instruments. The fact, is local entities do not exist in a vacuum. Their operations are directly and indirectly influenced by developments in their environment and requirements that often come from Government and international commitments. These requirements may vary from strategic period to period, which is why an Environmental Scan should be done at the beginning of every planning cycle. Based on Jamaica's planning context, Local Authorities should also ensure that the plan addresses issues relating to social inclusion, sustainable development, hazard risk reduction, climate change adaptation, collaboration and partnership with communities, sound financial management, accountability and local economic development.

The Retreat – Pre and Post Phases

It is recommended that a team from the Ministry with responsibility for Local Government, and especially technical personnel from the Strategic Planning Division, be included in the pre-drafting activities to ensure that the various strategic considerations are taken into account. Local Authorities should therefore not commence planning

before consulting with the Ministry's Corporate Planner. The Authority can avoid much inconvenience by availing itself of the expertise of the Ministry team which, among other things, can suggest the structure of the retreat and formulate an implementation plan to organise it. Those persons will also provide technical support in the organisation of the retreat using a prescribed checklist. In order to maximise the opportunity in the retreat for deliberations and action planning, it is strongly advised that Local Authorities convene a pre-retreat meeting to brainstorm what their strategic priorities will be, over the intended time horizon. It is also recommended that in this session, a proper analysis be done of the Authority's resources including its human capital and financial status. This can be achieved by organising a special committee to examine the past and current expenditure and income levels of the Authority, as well as the projections for the life of the Strategic Business Plan.

All the relevant data pertaining to these areas should be taken to the retreat to inform decisions about the strategic direction of the organisation. Local Authorities should identify the strategic objectives that they wish to deliver on during the timeframe of the plan. Those objectives will translate into more detailed supporting strategies and activities to be identified in an annual Operational Plan, which is to be prepared for every year of the life of the Strategic Business Plan. It should contain, in more detail, the activities to be undertaken by different service areas to deliver on the objectives of the Strategic Business Plan.

Other national and sector-level imperatives that should be incorporated in the Strategic Business Plan are the relevant pieces of legislation, the Final Report of the National Advisory Council (NAC) on Local Government Reform, the National Building Bill, the Disaster Risk Management Bill, the Reformed System of Governance in Jamaica, Local Sustainable Development Plan, Governance Thematic Working Group Action Plan and Local Economic Development Strategy. The integration of cross-cutting strategic influences is an administrative activity that a suitably qualified and experienced Strategic Planning practitioner can lead. However, it is strongly advised that an inclusive approach be taken to get it done. For this reason, internal stakeholders within the Local Authorities and external stakeholders such as the social partners at local level as well as community, voluntary and environmental interests, and public bodies operating locally, need to discuss the impact the strategies are likely to pose. For the technical team leader – the Strategic Planner – this activity would normally commence with an Environmental Scan and SWOT Analysis, which would

include strategies to counteract every unfavourable influence that is identified, as well as the strategic linkages to address institutional and system-wide gaps.

The post-retreat phase is critical. What happens in this period can determine the outcome of the entire strategic planning process. Strategic planning retreats are effective in ferreting out details that should be contained in the plan. However, if there is no follow-up action to prepare the plan, the value of the Local Authority's collective effort will diminish significantly. Local Authorities should agree on a follow-up action plan before they conclude the retreat, in order to identify critical activities to be carried out, individuals and entities that should be responsible for them and the deadlines that should be observed. Timelines should be realistic, and they should not be far from the date of the retreat.

Many Local Authorities typically return to the normal functions of the organisation, after the retreat, which devalues follow-up work and hinders the completion of the plan. One way of counteracting the negative effects of this is to include the writing of the plan and its preparation in the work plan of a competent staff member. If Local Authorities do not have in-house talent to write the plan and consolidate its elements, they should consider contracting the job. If the latter option will be utilised, it is advisable that the contract worker be present at the retreat.

In the end, the comprehensive Strategic Business Plan should have the following components:

- Executive Summary
- Vision Statement
- Mission Statement
- Strategic Outcomes
- Key Results Mapping
- Situation Analysis
- Strategic Priorities
- Medium Term Expenditure Framework (The Financial Plan)
- Human Resource Capacity Plan
- Risk Management Plan
- Procurement Plan
- Monitoring Plan
- Dissemination Plan
- Planning Team
- Monitoring and Revision of Plan

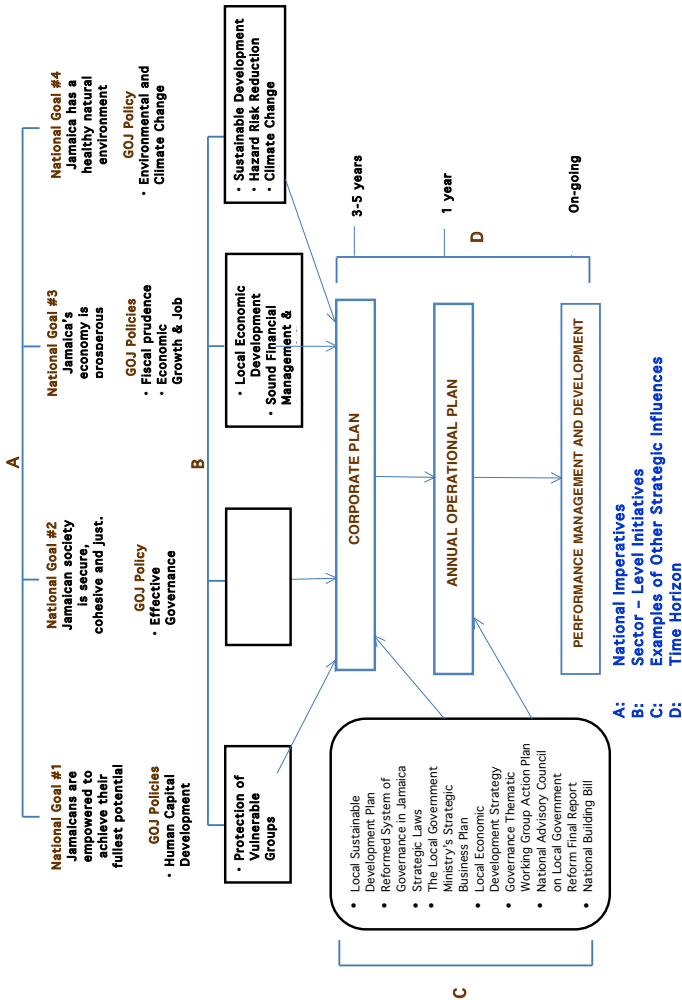
The Ministry's Strategic Planner can provide guidelines about the preparation of the content for each of the aforementioned components.

FIGURE 1

The Financial Plan

Special attention is being paid to the financial planning process, because of its importance in driving the overall implementation of

STRATEGIC PLANNING CONSIDERATIONS FOR LOCAL AUTHORITIES IN JAMAICA



the Strategic Business Plan. Financial planning is one aspect of a more comprehensive process of Strategic Planning. The preparation of the Financial Plan cannot take place in a vacuum. It must be based on what the organisation intends to pursue in the short term, such as a year or the medium to long term, which is five years and more. A systematic process of making projections, conducting results mapping and undertaking forecasting, will necessarily require your Local Authority to match financial resources directly with targets.

Backward Mapping will reveal the connections to outputs, objectives, strategies, organisational priorities, and parish and national outcomes. Finances enable the organisation to procure vital goods and services and engage the market in order to deliver on expectations and planned undertakings. Financial resources are not the only facilitators of goal achievement, but they are indispensable to the task.

The synergies between the Financial Plan and the overall Strategic Business Plan are reflected also in the relationship between the SWOT Analysis (especially the weaknesses and the threats) as well as the financial and economic dimensions of the environmental scan. The universally acceptable thinking is that each negative financial attribute of the organisation's profile that is identified in the analysis exercise should be addressed in the emerging plan. Otherwise, the current financial challenges and their consequences will be perpetuated with the risk of stagnation.

Financial planning time horizons are discrete, but they also overlap in order to ensure continuity. One cycle provides the input for the next phase. This understanding underpins the construction of the Medium Term Expenditure Summary which the Government of Jamaica requires as part of the Performance Monitoring and Evaluation System. The summary is really an outline of the expenses the Local Authority will incur for each year over a three-year period. It outlines year to date expenditure, estimates of expenditure and projections.

The Commonwealth Local Government Forum (CLGF) has provided some vital recommendations in the building of a strong Local Government financial framework. They include:

- Clear assignment of responsibilities;
- Authority to adjust revenues to the needed expenditures;
- Authority to generate sufficient Local Government revenue

sources and to develop strong positive incentives to strengthen this;

- Strong financial management and accountability systems and procedures;
- Developing an appropriate mix in expenditures and in revenues;
- Efficient, democratic and accountable budget procedures;
- Appropriate financial relationships between Central and Local Governments
- An appropriate level of redistribution;
- Efficient and timely transfers from Central to Local Government; and
- Effective revenue collection.

Budgeting

Each year, through the Financial Plan, the Local Authority establishes priorities by setting aside money for each programme or service. The Financial Plan must be adopted by December 1, so it is important that the process starts quickly. The Plan must include:

- An estimated Operating budget, which comprises anticipated revenues and estimated operating expenditures for each programme and service (roads, drainage, beautification projects, salaries, etc.)
- An estimated Capital budget. This involves the expenditures the Council disburses on fixed assets (buildings, vehicles, water and sewer facilities, land, etc.) in the current year, and the means by which the expenditures will be financed (taxation, reserves, borrowing, etc.)
- An estimated 5-Year Capital Plan. This concerns the spending the Council anticipates will occur in relation to major projects, in the five years following the current budgetary year, including how the expenditures will be financed (reserves, borrowing, etc.)

Councils are governed also by the Financial Administration and Audit Act (FAA Act) and Public Bodies Management and Accountability Act.(PBMA Act)

The Parochial Rates and Finance Rules (1981) set out the procedures to be followed in the preparation of the budget, which is to be presented in the approved format.

There are several things to consider when developing the Council's annual budget:

Priority Setting:

- Identify the Council's priorities by considering the current situation of your community, what you want for its future, and how you will get there;
- Adopt the priorities by setting short-term and long-term goals.
- Support the priorities through the budget; and
- Make provisions for emergencies (e.g., disasters).

Expenditures:

In reviewing and setting the expenditure for the year, consider the following critical budget decisions:

- Do proposed expenditures achieve the Council's priorities?
- Is the money being spent to achieve the Council's goals and objectives?
- Does the Council know if current spending matches its priorities?
- Are services affordable and delivered efficiently?
- Are taxpayers getting value for their money?
- Are there alternative ways to deliver services?
- Are services at this level sustainable in the foreseeable future?
- Can the type and level of services be maintained, in view of the economic and population trends in the parish or Municipality, without the significant tax increases?
- Are there other ways of doing business that could be considered?

Revenues:

Consider the range of revenue sources, other than taxation, available to the Council:

- Fees and charges (user fees, rental fees, licences, etc.) should be reviewed to ensure they reflect current costs.
- Penalties and fines (interest on overdue accounts, enforcement fines).
- Transfers from reserve accounts or nominal surplus.
- Conditional grants: Funding from the Central Government (General Assistance grants) that may be utilised by the Council.

The Public Hearing of the Financial Plan

Prior to the adoption of the Financial Plan, the Local Authority is required to hold a public hearing. The purpose of the public hearing is to advise citizens about the financial situation of the Local Authority, the plans for the provision of goods and services in the coming year, and to allow public input in budget decisions. The benefits of this process include:

- The opportunity for public participation in the setting of the Local Authority's short- and long-term goals;
- Public understanding of the relationship between services and taxes, and of the difficult decisions that must be made by the Authority in balancing both;
- Public understanding that requests for services, grants, etc. need to be presented to the Authority before the annual budget hearing, to ensure requests may be properly considered.

Be sure to encourage your constituents to attend the public hearing for the Financial Plan, each year. Your public notices should be user-friendly, and appear in every medium you can use, from traditional radio and newspapers or newsletters, to social media.

Local Authorities should take steps to make it easy for the public to attend the public hearing. These include:

- Scheduling the hearing in the evening;
- Holding the public hearing as part of, or immediately following, a regular Council meeting;
- Holding the public hearing at a location that will accommodate a large number of attendees
- Making material available ahead of time; and
- Making the presentation interesting and understandable by using visual aids and by preparing an information package, or featuring a guest speaker.

Presenting the Financial Plan to the Public

As the Financial Plan may be detailed and potentially confusing, Local Authorities should consider developing an information package. Your Local Authority should have copies of this package available for public review in advance of the public hearing and also at the hearing.

An information package about the Financial Plan should:

- Describe the public hearing process (guidelines and format);
- Present the short-and long-term objectives and goals;
- Describe the current financial situation (estimated revenue and expenditure);
- Present the operating and capital budget proposals;
- Review the tax impact through graphs and charts; and
- Discuss budget reduction options.

Controlling the Finances

A Council requires strong internal controls, including:

- A Finance Committee to review reports and accounts for payment.
- A formal policy regarding expenditure authority, including delegation of authority. (e.g., policy may delegate authority to the Superintendent of Roads and Works to authorise expenditures up to certain limits for specific equipment repairs);
- A purchase order system so that the accounts for payment can always be reconciled to the purchase record;
- A tendering policy in line with the procurement guidelines governing public bodies; and
- A policy for collection of sundry accounts receivable.

Monitoring the Finances

The Local Authority is responsible for effective monitoring of the finances of the Organization.

This should be done by:

- Keeping up to date about the status of the Authority's financial position by reviewing and discussing the financial reports. Your Secretary/Manager/Chief Administrative Manager/Town Clerk should prepare and present monthly financial statements to the Council. The Local Authority is responsible for reviewing and evaluating these statements as a whole or through a Finance Committee, as required by law. In keeping with the law, the Council shall appoint from among their number the Finance Committee, which is to consist of not less than one-half the number of Councillors of the Local Authority.
- Reviewing your Local Authority's monthly financial statement, so you have an opportunity to take immediate action regarding

any arising challenges. (For example, if you notice that you have spent more than your budget for fuel because of price increases, you may have to reduce expenditure in other areas to make up for the over-expenditure).

Council Audits

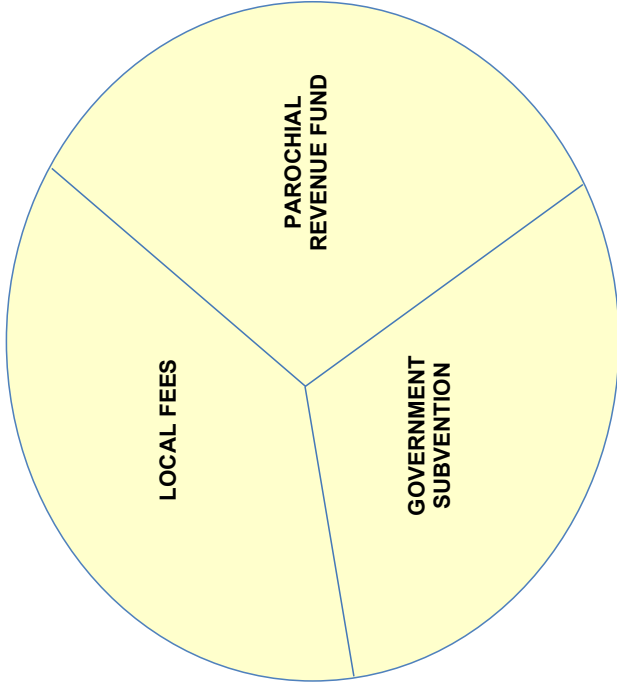
One of the most important tools for monitoring the finances is the annual Council audit. The financing and Financial Management Act 2016, requires that the Auditor General's Department audits the financial affairs of the Council on an annual basis. It is also critical for the Council to have an efficient Internal Audit team, which is thoroughly aware of financial regulations, general Council laws and proceedings.

You should devote special attention to the Supplementary Report from the Auditor, which will outline any inconsistencies or deficiencies in the administration of the Council, and ensure recommendations and/or irregularities identified in the report are addressed.

When the Council receives the audited financial statement, it should be advertised that the statement is available at the Council's office for public inspection. A copy should be published also in the Gazette.

Diagram 1 shows the main internal and external sources of funding for Local Authorities. A section of the pie chart shows revenue which flows from local sources such as licence fees from barbers and hairdressers, butchers, hawkers and peddlers, places of amusement, advertising, hotels, villas, municipal parking, funerals, trades and other businesses. Local Authorities also receive Central Government transfers. A significant source of revenue for Local Authorities is the Parochial Revenue Fund (PRF)

FUNDING SOURCES OF LOCAL AUTHORITIES



The Three Strategic Laws: **Your accountability and decision-making framework**

The effective management of your responsibilities as a Councillor will heavily depend on your understanding of and compliance with the Three Strategic Laws which have been created to advance the Local Government Reform process. These laws, which address the functioning of Local Government, were passed by the House of Representatives on November 10, 2015, and thereafter, by the Senate on January 8, 2016. They have since been approved by the Governor-General, and now await Ministerial decision regarding the date when they will come into effect. These laws are the:

- ***Local Government (Financing and Financial Management) Act, the;***
- ***Local Governance Act and the;***
- ***Local Government (Unified Service and Employment) Act.***

The critical sections of each Act are presented here, to allow you to understand them in a comprehensive way – by themselves, and also, how they relate to each other. All three Acts are available on the website of the Ministry of Local Government and Community Development.

The Local Government (Financing and Financial Management) Act is a single, comprehensive legal framework for the financing, fiscal governance and accountability mechanisms that will drive the efficient provision of services at the local level. The rules concerning any projects you wish to implement, either as a Councillor or as a member of the full Council, the management of finances and the reporting requirements you must fulfil are just some of the vital things that this Act governs.

Section 3 deals with the ***Financial Management Mechanisms*** through which the responsibilities of local authorities will be administered. Every Authority must prepare and submit for Ministerial approval on a yearly basis, an ***Operational and Capital Budget, a Statement of Financial Position and Cash Flow Statement, and a four-year Strategic Plan and Budget.*** This section also outlines the standards that will govern the preparation of these documents, and which qualify them for approval.

Section 4 is particularly important, as it introduces public consultation as a **performance requirement** that every local authority must undertake **before** any budget or strategic plan can be submitted to the Minister.

In other words, every local authority must have public meetings with the residents in its jurisdiction, present its Budget and plans to them and obtain their feedback before making these submissions to the Minister of Local Government and Community Development.

Section 5 clearly states the spending rules that must be observed by local authorities and by the Minister. This Section states that the local authorities must not spend any money that has not been approved in their Budgets, and it also bars the Minister from approving any Budget that fails to meet the standards laid out in Section 3.

Section 6 introduces **contemporary financial reporting** as a central feature of Local Government operations. Specifically, each local authority must submit a **Monthly Financial Statement** to the Minister, and this Statement shall be based on **International Financial Reporting** Standards. Importantly, the monthly financial statement must include:

- Statements of Financial Position, Financial Performance and Cash Flow;
- A Statement of Actual *Expenditure* vs. Budget, and a Statement of Actual Revenue vs. Budget
- Bank Reconciliation Statements and Notes to the Accounts.

This Section also requires a local authority to submit **Annual Financial Reports**, and requires the Minister to table them in Parliament.

Section 7 requires local authorities to adopt an accounting system based on **International Public Sector Accounting Standards**. It also **conditionally** allows the local authorities to establish revenue raising policies and measures to finance their operations. In this context, the local authorities may conditionally grant waivers to registered charitable organisations.

Section 8 requires **every local authority to comply with all public Procurement laws, guidelines and other directives of the Government of Jamaica** and its agents, notably the **Financial Secretary**.

Section 9 authorises the Minister to formally designate an officer from a local authority to serve as its Accounting Officer.

This Officer will have a range of responsibilities, including the assessment and collection of the Authority's receivables, and the acquisition and safe disposal of the local authority's property.

This Section also outlines the financial authority of the Accounting Officer, and the power of Parliament to summon him or her at its discretion (Mainly through the Public Accounts Committee or the Public Administration and Appropriations Committee).

Section 10 empowers the local authority to impose a **Surcharge** on any employee in various circumstances, including, those where funds have been have deliberately, or negligently misappropriated. This Section also establishes the limits of the local authority's powers, and states the procedures to be followed in applying such a penalty.

Section 11 allows an appeal to the Local Government Services Commission by any employee who is surcharged, in keeping with the provisions of the Local Government (Unified Service and Employment) Act.

Sections 12 to 26 deal with **Revenue Streams**. They specifically address the uses to which the funds collected by a local authority are to be put, and also deal with Revenue Sources namely, the **Parochial Revenue Fund** and the **Equalization Fund**, and the manner in which funds are to be placed in and withdrawn from these Funds and the reporting requirements accompanying their management.

Local authorities are required to create and maintain a **General Fund, a Capital Fund account** and any Reserve Accounts as considered necessary. These Funds are also to be retained in registered deposit-taking institutions as defined in the Banking Services Act.

Section 22 addresses the management of funds that a local authority allocates to an **Improvement District**, and the financial compliance measures that must be undertaken by the Improvement District. **The Improvement Districts are more specifically addressed in the Local Governance Act.**

With regard to requirements regarding Auditing, **Reporting and Inspections, Section 27** makes it the duty of a local authority to

submit all its accounts to the **Auditor-General**, and also states that the Auditor-General shall submit a Report, along with a statement of the local authority's Financial Position to the Minister, and publish the Accounts Report in the Gazette.

Crucially, this Section reveals the liability that the executive officers of a local authority have, for any unauthorised expenditure that is undertaken in its name. It states that ***this liability arises where a local authority makes an unapproved expenditure, makes a payment that exceeds an approved amount or makes an illegal payment out of its funds.***

Section 27 further states that in these circumstances, liability may be ***individually or jointly imposed on a Mayor, Councillors, any member of any Committee established by the local authority, the Chief Executive Officer, the Chief Financial Officer*** or any other officer.

Section 28 requires the local authority through the Chief Executive Officer to fully comply with the instructions of the Auditor-General.

Section 29 allows the Minister *in consultation with the Auditor-General* to introduce new Regulations or Orders regarding the auditing of local authorities.

In keeping with the emphasis on widening and deepening accountability structures, **Section 30** requires each local authority to establish an ***internal audit system***, which will address accounting systems, internal controls, risk management and governance. The local authority is also authorised to appoint the personnel needed to implement and maintain the internal audit system. This Section also lays down the duties of the Officer appointed to lead the local authority's internal audit processes.

Section 31 requires each local authority to establish a functional ***Audit Committee***.

The Local Governance Act:

Creates the framework within which your local authority will operate with greater scope and autonomy. Additionally, it will provide new and clear standards of accountability for every local authority, and place extensive public consultation and participation at the heart of this new environment of governance.

Overall, the Act establishes a framework to accommodate the various types of local authorities;

- The expansion of their mandate to include sustainable development and the maintenance of civic order;
- The expansion of their powers to ensure the implementation of their responsibilities;
- The creation of accountability and transparency mechanisms for local authorities;
- The definition of the role and relationships of and between the administrative and political organs of local authorities and
- The empowerment of civil society and communities in the governance process.

Section 5 authorises the Kingston & St. Andrew Corporation to continue to function with all its powers and assets as a local authority, but will do so as a ***Municipal Corporation*** to be known as the ***Kingston & St. Andrew Municipal Corporation***. This Section also states that Municipal Corporations will exist in parishes other than Kingston & St. Andrew, and will be treated as successors to existing Parish Councils.

Section 5 also states that the ***Municipality of Portmore*** will continue to exist and function under the provisions of the Local Governance Act, rather than the ***Municipalities Act***, which will be repealed.

Section 6 specifies that all local authorities shall be categorised as **Municipal Corporations**, **City Municipalities** or **Town Municipalities**, while **Section 7** establishes a Municipal Corporation as a body corporate with perpetual succession. It further states that a City or Town Municipality is a body corporate, and that a ***City Municipality*** must have an Advisory Committee. This Committee must include members of civil society, the private sector and community-based organisations within the Municipality.

Section 8 outlines the power of the Minister through a Ministerial Order, to declare the inhabitants of any area as a **City or Town Municipality**, and the power to grant a Charter for the governance of such a Municipality. This Section also sets out the conditions in which the Minister may act. These are:

- (1) The presentation of a petition signed by not less than 7% of the people who live in the proposed City or Town Municipality, and whose names are on the Voters' List for Parliamentary elections.
- (2) Any community organisation that represents the people within the proposed City or Town Municipality and
- (3) The written assessment of the relevant Municipal Corporation regarding the viability of the request.

This assessment must take into account the expected services and regulatory functions which are to be provided by the proposed City or Town Municipality. It requires the Minister to, among other things, weigh additional factors such as the size of the population to be served, whether there is revenue-generating potential within the proposed Municipality, whether establishing such a structure will adversely affect adjoining communities or the parish as a whole, and whether the inhabitants of the proposed Municipality understand what its establishment will mean for them.

If the petition is granted, then the resulting Charter must be tabled in Parliament within thirty days.

Section 8 also stipulates that a City or Town Municipality is a body corporate, and that a **City Municipality** must have an **Advisory Committee**. This Committee shall include members of civil society, the private sector and community-based organisations within the Municipality. Sub-sections 13 and 14 treat with the governance of the Advisory Council.

Section 9 addresses the power of Municipal Corporations to define the limits of towns, villages or other physical areas within its jurisdiction.

Section 10 outlines the composition of the Council of a Municipal Corporation, which is one Councillor for each electoral division within the Municipal Corporation's jurisdiction. It also provides for the com-

position of the Council of a City Municipality and a Town Municipality. With respect to the **City Municipality**, the composition is a Mayor, and one Councillor for each electoral division with the area for which the City Municipality is responsible. In the case of the **Town Municipality**, it is one Councillor for each electoral division and any other members that may be appointed as Regulations permit. This Section also addresses the powers of the Council of the local authority.

Section 13 deals with the Constitution of a local authority.

Sections 14 to 20, are concerned with the roles of the Mayor and Deputy Mayor of a Municipal Corporation.

These Sections address the means by which they are elected to office, their tenure in Office, the procedures that must be followed if a vacancy arises for any reason, the means by which the occupant of either Office may be removed, and the source of their remuneration.

Part Three of the Local Governance Act defines the Functions, Scope and Structure of local authorities.

Section 21 identifies the functions of a local authority, which include initiating and promoting economic and social development within the physical spaces in its jurisdiction.

Section 22 requires a local authority to create and maintain mechanisms for consultation and participation with the stakeholders in its area of responsibility. These stakeholders include Members of Parliament, civil society, public sector groups and non-government organisations, as well as members of the general public who fall within the Authority's jurisdiction.

Sections 23 to 26 require a local authority to employ a **Chief Executive Officer** (currently *Secretary Manager or Town Clerk*), **Chief Financial Officer and Chief Engineering Officer** (currently *Superintendent of Roads and Works*).

Section 26 provides a Local Authority with the option to appoint deputies to the CEO, Chief Engineering Officer and Chief Financial Officer.

It is made very clear in **Section 28** that **no Councillor can be an employee of a Local Authority**, and in addition, remains **disqualified for one year after he or she ceases to be an elected representative**.

Section 38 states the duty of a Council to appoint a **Finance Committee**, a **Local Public Accounts Committee** and a **Poor Relief Committee**.

It is important to note that the Finance and Local Public Accounts Committees must include **non-elected** members.

The structure of the Local Public Accounts Committee not only comprises elected and non-elected persons, but also **excludes the Mayor, Deputy Mayor, the Chairperson of the Finance Committee and the Chief Executive Officer** from membership. This Section also requires that the **Chairperson of each Committee shall be appointed from the non-Council membership**.

Sections 40 and 41, address the power of the Minister after due consultation, to establish standards-setting and other accountability mechanisms for local authorities, and the **requirement that each Local Authority must convene community meetings at least once annually, to report on its plans and performance**.

Section 42 outlines the procedures to be observed if a Council is **dissolved by Ministerial Order**. This Order will only be valid after an affirmative vote of Parliament.

Section 43 sets out the conditions that must precede any Ministerial decision to dissolve a Council.

These include a petition seeking its dissolution, which has been signed by at least 15% of the total number of registered voters within that local authority's jurisdiction.

Another way in which a Council may be dissolved if there is a Report by the Auditor-General, Contractor-General or another State oversight body alleging a Council's gross misconduct or persistent failure in executing its duties.

Improvement Districts are one of the important mechanisms in the community and parish development processes. **Section 45** empowers a local authority to declare any area within its remit as a Business Improvement District or a Special Improvement District. The **Business Improvement District** is any specific area within that Authority, where there is an operational Association of businesses created for undertaking activities to improve the conduct of business or the business environment of that area.

The ***Special Improvement District*** is a specified area where there is an operational Association of one or more residents, businesses or interested parties, which exists for their general benefit.

This Section also empowers the Minister to make regulations concerning the establishment, operations and management of these Districts, and requires a local authority to obtain Ministerial permission before declaring them in any area.

Section 50 requires the local authorities to develop policies to effectively manage a ***Municipal Police Force***, after due consultation with the Minister of Local Government and Community Development and the Minister of National Security.

Section 55 contains the **interpretation of executive terms known to the Parish Council system**, in relation to their use in the context of the ***Municipal*** system. By way of example, the ***Superintendent of Roads***, as it is known under the Parochial Roads Act, means the ***Chief Engineering Officer*** of a local authority when the Governance Act takes effect.

The **First Schedule** to this Act provides the new identities of the local authorities e.g.: the Clarendon Parish Council will, once the Act becomes effective, be known as the ***Clarendon Municipal Corporation***.

The Local Government (Unified Service and Employment) Act serves the purpose of streamlining the operations of Local Government, by modernising the administrative structure within which Local Government employees will function. The Act reflects the recognition that consistently sound public service is best provided at the Administrative level of Local Government, through qualified, responsive and motivated employees. This Act removes the complicated arrangements that have outlived their usefulness, and replaces them with a single, comprehensive legal framework designed to attract and retain the best human talent possible.

It also reflects the spirit of the recommendations made in the Final Report of the National Advisory Council on Local Government Reform, 2009, which cited the need for new and comprehensive legislation, to:

- a. ***Create one unified service for all Local Government employees.***
- b. Create a Service Commission to oversee the management of this unified Local Government service.

- c. *Redefine the role and functions of the Services Commission in relation to those of the Local Authorities, to ensure meaningful local involvement in personnel management and related matters, and*
- d. *Facilitate the seamless movement of staff between Local Government and Central Government services, with a view to creating greater opportunities for personal and professional development, through the various postings available to suitably qualified staff.*

Clause 3 of the Act establishes and constitutes the **Local Government Services Commission**, and details among other things, the procedures to be observed in appointing members. This clause contains upper and lower membership limits of the Commission, and also, states the areas of representation and expertise from which the members are to be drawn.

*The **Association of Local Government Authorities of Jamaica (ALGAJ)**, the **Jamaica Association of Local Government Officers (JALGO)** and the **Jamaica Confederation of Trade Unions (JCTU)** are specified in the clause as being three of the Associations from which the Minister may choose appropriate talent to serve on the Commission.*

Clause 3 also states the **disqualifications to service**, which are chiefly, that *no member of the Lower or Upper House, or any Councillor or employee of any Local Authority may serve.*

Clause 4 specifies the tenure of service of the Members of the Commission (5 years).

Clause 9 states the right of employees to appeal decisions affecting them, and the duty of the Commission to hear and consider any such appeal. ***This clause also provides that employees may appeal to the Privy Council, as established under Section 82 of the Jamaican Constitution, if they are dissatisfied with the Commission's response to their appeals.*** (*Local Privy Council*)

Clause 12 amends the Pensions (Parochial Officers) Act, to recognize the Local Authorities and the Local Government Services Commission as legal entities.

Clause 13 repeals the Municipal Services Act, the Parish Councils (Unified Service) Act and the Poor Relief (Unified Officers) Act.

The ***First Schedule*** to the Bill states that ***Unified Service officers are pensionable***. The ***Fourth Schedule*** contains the ***Regulations*** to this Act, and these concern ***appointments, transfers, disciplinary and other proceedings***.

CHAPTER 12

Code of Conduct

Councillors are accountable to the people who elected them, and the Code of Conduct sets out the framework that governs their behaviour. Councillors are required to set good examples for their constituents, and the Code of Conduct requires them to perform the functions of office in good faith, honestly and in a transparent manner.

Councillors must at all times observe the Code of Conduct to ensure high standards in the way they undertake their duties. This duty to observe the Code primarily applies to situations where Councillors are undertaking official duties or acting as representatives of the Council.

Section 7(2) of the Parish Councils Act (1901) states that every person who is either directly or indirectly, pecuniarily or otherwise, interested in any contract with the Parish Council of any parish shall, notwithstanding that such contract is by virtue of the provisions of this Act null and void, be disqualified from being elected a Councillor of such Parish Council.

Pursuant to section 7(3), section 7(2) does not apply to any person merely by reason of his having any share or interest in:

- a) Any agreement for the loan of money, or any security for the payment of money only; or
- b) Any newspaper in which any advertisement relating to the affairs of the parish or Council is inserted; or
- c) Any incorporated company or society, which contracts with the Council, in which he does not hold more than one-tenth of the shares.

However, the provisions of section 7(2) do not apply to any person by reason of his having any share or interest in any contract with the Parish Council for election to which he is a candidate or of which he is a Councillor if:

- a) In the case of a candidate for election to the Parish Council, such contract has, prior to his nomination as a candidate, been approved by the Minister; or
- b) In the case of a Councillor of the Parish Council, such contract has been entered into with the express sanction of the Minister.

Similar provisions as the above are contained in the Municipalities Act (2003) and the Kingston and St. Andrew Corporation Act (1931).

In summary, Councillors should **NOT**:

- Do anything which will bring the Council or their office into disrepute;
- Misuse their official position to their own advantage or to the advantage or oppression of others;
- Reflect inequality by discriminating against others; and
- Misuse Council's resources or authorise their misuse for any personal or partisan purpose.

CHAPTER 13

Conflicts of interest and Disqualification

A Councillor is invested with public trust and authority. To protect this, there are laws which apply where a Councillor's personal interests appear to be in conflict with his or her public duty.

Under the law, matters subject to conflict of interest proceedings are pecuniary interests; i.e., those relating to money. *The Parish Councils Act (1901)* explains the procedures to follow if a Council member has a financial interest in a matter being discussed at a Council meeting. Failure to follow these procedures can result in disqualification from office. Under the *Corruption Prevention Act, 2001*, every Councillor is required to file a statement dis-

closing assets and interests **not later than the last day of March, each year**. If you acquire or dispose of any asset or interest after filing the original statement of assets and interests, you must file another statement disclosing the new acquisition or disposal with your Secretary Manager within 30 days. This will ensure that there is always a current statement on file.

It is **your** responsibility to keep the list of assets and interests current and up to date.

DISQUALIFICATION

There are other situations that can lead to disqualification from the Council. Disqualification arises where a Councillor:

- Fails for a period of six (6) months to attend a meeting of the Council. His seat at the Council shall thereupon become vacant. The minutes of the Council shall be conclusive evidence as to the attendance of Councillors for the purposes of this section.
- Was not eligible as a candidate, when nominated or elected;
- Is liable to the Council for an unauthorised expenditure, or votes in favour of paying an unauthorised expenditure;
- Is convicted of an offence and has not paid a fine imposed on conviction within 120 days after the fine was imposed; and

- Is convicted of an offence, punishable by imprisonment for a term exceeding 12 months, and sentenced in any part of the Commonwealth, or other various offences of the Criminal Code of Jamaica, His seat shall become vacant.

A disqualified member of the Council vacates his seat, when the vacancy is entered in the minutes of Council, or when the Supreme Court declares the seat vacant. A Councillor(s) who becomes disqualified and loses his or her seat *is barred for five years from either voting in an election, or standing again for election as a Councillor*, under Section 103 of the Representation of the People Act (Consequences of Illegal Practice) which reads:

“Any person who is convicted of any offence declared to be an illegal practice under this Act shall, in addition to any other penalty for such offence, be incapable during a period of five years from the date of his conviction:

- (a) Of being registered as an elector or voting at any election of a member of the House of Representatives or of any Parish Council or of a Councillor of the Kingston and St. Andrew Corporation; and
- (b) Of being elected a member of the House of Representatives or of any Parish Council or a Councillor of the Kingston and St. Andrew Corporation, or, if elected before his conviction, of retaining his seat as such member or Councillor:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter unless the conviction is quashed, remain in force for a period of five years from the determination of the appeal, except the court hearing the appeal shall direct that the period of five years shall run from the date of conviction. “

CHAPTER 14

Council Records

The Access to Information Act (ATIA) 2002

The Access to Information Act (2002) attempts to strike a balance between the public's right to know and the individual's right to privacy, to the degree that those rights relate to information held by public bodies in Jamaica.

The Act also provides for access to the records of the Local Authority at the same time protecting the privacy of personal information.

The Council does not have any discretion to withhold information that must be disclosed under the ATIA.

While the Chairman of the Local Authority is responsible for all Authority decisions and actions regarding the Access to Information Act, this responsibility can be delegated to a senior staff member. The fundamental principles underlying the Act are: (a) governmental accountability (b) transparency and (c) public participation in national decision-making.

CHAPTER 15

Dispute Resolution Mechanisms

Disputes occur naturally from the interactions between various persons – between Councillors at various levels, between Councillors and administrative staff, and between Councillors and constituents. They arise for a variety of reasons, including perception of injustice or unfair advantage; unmet expectations; conflicting values; deviation from established protocols and procedures and so forth.

Dispute Resolution generally refers to several processes used to resolve disputes between parties. It is the process of resolving a dispute or a conflict by meeting at least some of each side's needs and addressing their interests.

Mediation and conciliation systems are very similar in that they interject a third party between those in dispute, either to mediate or to reconcile their relationship. Mediators and conciliators may simply facilitate communication, or may help direct and structure a settlement, but they do not have the authority to decide or rule on a settlement. The goal of mediation is for a neutral third party to help those in conflict come to consensus on their own. Rather than imposing a solution, a professional mediator works with the conflicting sides to explore the interests underlying their positions. Mediation can be effective in allowing parties to vent their feelings and fully explore their grievances. Working with parties together and sometimes separately, mediators try to help them hammer out a resolution that is sustainable, voluntary, and non-binding.

Arbitration systems authorise a third party to decide how a dispute should be resolved. In arbitration, a neutral third party serves as a judge. The arbitrator listens as each side argues its case and presents relevant evidence, and then renders a binding decision. The conflicting parties can negotiate virtually any aspect of the arbitration process, including whether lawyers will be present and which standards of evidence will be used. Arbitrators hand down decisions that are usually confidential and which cannot be appealed. Like mediation, arbitration tends to be much less expensive than litigation.

Litigation is the most familiar type of dispute resolution. It typically involves the presentation of arguments by the legal representatives of the disputing parties before either a judge or a judge and jury. The judge or the jury is responsible for weighing the evidence and making a ruling. Information conveyed in hearings and trials usually enters

the public record. Lawyers typically dominate litigation, which often ends in a settlement agreement during the pre-trial period (Case Management phase) of discovery and preparation. In the context of Local Government, litigation is often used in disputes about alleged encroachment on Government land, non-payment of levy, e.g. property taxes and damage to Government property.

Local Resolution of Public Complaints

All Local Authorities have, at some point, received complaints from, or been involved in conflict with a resident or residents. Every complainant believes his or her problem is unique, and has different expectations about how it should be resolved. The Local Authority should treat each complaint seriously and give it full consideration. In most instances, Councillors or administrative staff can easily resolve the complaint or dispute through discussion.

Dispute Resolution Services External to Council

Ministry with Responsibility for Local Government

Any party to an intergovernmental dispute may apply to the Ministry for assistance. A dispute resolution officer or facilitator may then help the parties resolve the matter by any process that officer or facilitator considers appropriate, which may include referring the matter to mediation and other non-binding resolution processes. For those disputes not subject to mandatory arbitration under the laws of Jamaica, (e.g. the Labour Relations and Industrial Disputes Act), the officer must, if the parties agree, direct the dispute to binding arbitration through a process of final proposal arbitration, or full arbitration.

Dispute Resolution Foundation

The services of the Dispute Resolution Foundation (DRF) can be utilised when the dispute exceeds the capacity of the involved parties to address it on their own. The DRF is a private voluntary foundation established in July 1994 to establish and encourage the use of Alternative Dispute Resolution (ADR) techniques throughout Jamaica. Some of its objectives are:

- To encourage and educate the public about using ADR techniques and community and restorative justice practices to promote peace and to resolve conflicts without resorting to violence;
- To establish Peace and Justice Centres (service centres) in communities throughout Jamaica; and
- To increase the mediation and arbitration services by the legal profession and courts as dispute resolution options.

CHAPTER 16

Remuneration of Councillors

The payment of Councillors is almost always a sensitive topic and typically generates much public interest. A Parish Councillor shall be entitled to receive payments, at rates which shall be determined by the Council; after consultation with the Minister; and by way of reimbursement of expenses on travelling and subsistence, reasonably incurred by him/her for the purpose of performing any approved duty as a Councillor.

Councillors' remuneration may include:

- Compensation for attending to Council business – the Council may pay a fixed monthly or annual amount, a per diem, per meeting rate, or a combination of rates, in keeping with Government directives.
- Recovery for expenses incurred while attending to Council business – the Council may pay a fixed rate that will be paid for certain expenses, such as mileage, or require members to submit actual receipts for the expenses claimed, and establish limits on claimable expenses even with receipts.

Please remember that Councillors' remuneration is public information. The Local Authority has the responsibility to include a detailed account of each payment made to each Councillor in the annual Financial Statement. It is important to note that although annual reporting is a requirement, public perception may be improved, if the information is provided on a more regular basis (i.e., monthly).

- A Councillor may also be eligible to receive a retiring allowance in accordance with the Retiring Allowance (Parish Councillors) Act, 2005. This is a Contributory Pension Scheme. *Subject to this Act* there may also be an award to widows.

CHAPTER 17

The Association of Local Government Authorities of Jamaica (ALGAJ)

Although Councillors instinctively identify with their respective political parties, those who rise to the level of Chairpersons of Local Authorities will learn soon that their loyalty will lie also with the representative body known as the Association of Local Government Authorities of Jamaica (ALGAJ).

The entity has had an enduring presence on the Local Government landscape over successive generations for almost a century. It was established in 1920 for the purpose of representing the interest and welfare of the Local Government Authorities in Jamaica, as established under the Parish Councils Act and Kingston and St. Andrew Corporation Act. Its fundamental role is to promote the interests



Scean Barnswell, Mayor of May Pen and President of ALGAJ

of elected representatives of the Local Authorities and advance the cause of the institution of local government in general.

More specific insights into the functions of this body can be found in the provisions of the Association of Local Government Authorities of Jamaica Act, 2004, part of which reads: This association of Local Government Authorities of Jamaica (Incorporated and Vesting Act) 2004.

The objects of the Association shall be:

- (a) *To advance, promote and represent the interests, rights and privileges of Local Government Authorities and the elected representatives thereof, and in general to advocate and promote the cause and interests of Local Government and the concepts of local self-management and community participation in governance; and to support and encourage research, scholarship and information gathering and dissemination in respect of the operations and practices of Local Government in Jamaica and abroad;*

- (b) *To encourage, support and promote the concepts and principles of good local governance and the achievement and the maintenance of high ethical and operational standards in the exercise of municipal management and in the pursuit of regional, local and community development of Local Government Authorities, and in the delivery of local services and maintenance of infrastructure;*
- (c) *To encourage and facilitate the development of sound and cooperative relations among and within Local Government Authorities and between Local Government Authorities and Central Government, international and national agencies, the private sector, civil society and liaison, coordinator and agent, for and on behalf of Local Government Authorities in dealing with such entities;*
- (d) *To support and promote the interests, welfare capacity of community-based organisations (CBOs), non-governmental organisations (NGOs) and other civil society entities, and to develop and maintain strong linkages with such organisations, towards achieving good and effective local governance; and*
- (e) *To forge and maintain linkages and strong relationships with organisations having like or similar interests, including twinning and/or membership in, or other forms of associations with, national, regional and international associations of municipal authorities, or other bodies which foster and promote co-operation between or strengthening of Local Government entities.*

The Association has sought to promote the growth and development of Local Government in Jamaica primarily through advocacy. However, for many years, its activities were hindered by its unincorporated status. In this regard, it was restricted from owning real estate or entering into any legal arrangement in furtherance of its mandate. Since the passing of the Act in 2004, the Association has been able to represent the interests of its members more effectively. With the acquisition of corporation status, the following powers are conferred on it:

- (a) *To undertake or engage in, severally or jointly with any other group, organisation or entity with which it may be desirable to do so, such tasks, activities or undertakings which are*

deemed necessary or desirable in pursuit to its objectives. Offer services to, or undertake projects on behalf of Local Authorities, community-based organisations or other institutions, and engage in business endeavours and other activities which will advance the interests of the Association, or of Local Government and communities;

- (b) To acquire, hold, purchase, lease, possess and enjoy any lands and hereditaments whatsoever in fee simple or lease hold or for any other estate of interest therein, and all property, real personal or missed;*
- (c) To give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey, assign, dispose of, turn to account, or otherwise deal with all or any of the property both present and future, so held or any part thereof;*
- (d) To borrow, raise or secure the payment of money in such manner as may be thought fit and in particular by the issue of debenture or script charged upon all or any of the property (both present and future) held by or vested in the corporation, and to redeem and pay off such securities;*
- (e) To appoint a person as the attorney of the corporation either generally or for a limited period and for such purposes and with powers as may be stated in the power of attorney, and to revoke any such appointment;*
- (f) To make such rules and by-laws as it may think fit in order to carry out the purposes of this Act.*

EXECUTIVE COUNCIL

The Association of Local Government Authorities of Jamaica (Incorporated and Vesting) Act stipulates that there should be an Executive Council that carries out the business of the organisation. This body, according to the law, should be established immediately after its annual general meeting and it should consist of the President and Vice Presidents, the Mayor of each Authority and such other persons as may be co-opted to serve on the Council. The Council may co-opt five persons (whether or not they are members of the Association) to serve as members of the Executive Council. It shall have a quorum of five as stated in the law.

TERMS OF OFFICE

Membership of the Executive Council is not the same as the tenure of the Council. Members serve for one year (called a term in the ALGAJ Constitution), or until the next annual meeting of the Association. Officers shall be eligible for re-election, but cannot serve more than three terms (three years).

DISCIPLINE

The Association is governed by rules and regulations and their violation will invite penalties on the offender. Members may be suspended for using offensive words towards another member or for use of what are termed unparliamentary remarks. The likely penalties are suspension or expulsion which may be for a limited time or for the remainder of the term of office of such member. According to the Act, "a Member suspended for the remainder of his terms of office shall not be eligible to hold office on the Executive Council of the Association. A suspended Member who is a Member or Officer of the Executive Council shall cease to be such Member or Officer and vacancy shall be deemed to have arisen." (The Association of Local Government Authorities of Jamaica Act 2004, Appendix II, Section 14). Suspension of such an individual also means his/her ineligibility for re-election as an Officer of the Association, during the remainder of his term of office as a Councillor.

The commission of an offence does not automatically trigger a punitive response. Persons who violate the Code of Conduct by using objectionable words can be given the opportunity by the Chairman to retract same. However, If the member refuses to do so, he or she shall be suspended from that meeting and the Executive shall determine if any further action should be taken.

Disruptive behaviour is also banned from meetings of the Executive Council. The law states that "all debates shall be conducted in an orderly manner and a Member shall not cause an interruption or make any noise or disturbance. If on a call to order by the Chairman, a Member shall persist in interrupting the proceedings, he shall be named and if he/she continues to interrupt the proceedings, the meeting may by resolution duly passed expel such a Member from the meeting. In case of continued disorder, the Chairman may adjourn the meeting." (The Association of Local Government Authorities of Jamaica Act 2004, Appendix II, Section 14).

VOTING

Only members who are present at Executive Council meetings can vote on actions of the Association. The same rule holds for all questions arising before the Association. Whenever a vote results in a tie, the Chairman shall have the casting vote, which he or she has the option of using. If the Chairman refuses to exercise the casting vote, the motion shall be deemed negative.