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MLA



AN ACT TO AMEND THE MUNICIPAL GOVERNMENT ACT (No. 3)

NOT READY FOR PRINTING

BILL NO.

2018

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **1. Section 14 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, is amended**
 - (a) **by renumbering it as subsection 14(1); and**
 - (b) **by the addition of the following after subsection (1):**
2. **Exception**
3. (2) Where a municipality
 - (a) has been established under section 21 despite the fact that it does not meet the criteria specified in subsection 13(1); or
 - (b) has been continued or restructured as a rural municipality,the Minister may, on the request of the council of the municipality, designate one or more of the general municipal services referred to in subsection (1) as services that shall be provided by the Government of Prince Edward Island for the municipality.

4. **2. (1) Clause 85(1)(a) of the Act is amended by the deletion of the words “in the municipality”.**
5. **(2) Section 85 of the Act is amended by the addition of the following after subsection (2):**
6. **Exception**
7. (3) The council of a municipality that
 - (a) has been established under section 21 despite the fact that it does not meet the criteria specified in subsection 13(1); or
 - (b) has been continued or restructured as a rural municipality,
may, by resolution,
 - (c) designate a place outside the municipality as its municipal office; and
 - (d) despite clause (2)(b), determine that the municipal office shall be open to serve the public for less than twenty hours each week.
8. **3. Clause 86(8)(c) of the Act is repealed and the following substituted:**
 - (c) direct that the remuneration established under clause (b) be paid by
 - (i) the Government of Prince Edward Island, or
 - (ii) the municipality.

EXPLANATORY NOTES

SECTION 1 amends section 14 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, by renumbering it as subsection 14(1) and adding a new subsection 14(2) that creates an exception from the requirements in subsection (1) related to the provision of municipal services for a municipality that does not meet the requirements of subsection 13(1) of the Act or that has been continued or restructured under the Act as a rural municipality. The council of the municipality may request and the Minister is authorized to designate one or more municipal services that shall be provided by the provincial government for the municipality.

SECTION 2 amends section 85 of the Act to remove a requirement in clause 85(1)(a) that the municipal office be located in the municipality, and also adds a new subsection 85(3) that creates an exception from a requirement in subsection (2) related to the municipal office in a municipality that does not meet the requirements of subsection 13(1) of the Act or that has been continued or restructured under the Act as a rural municipality. The council of that municipality may, by resolution, designate a place outside the municipality as the municipal office, and may determine that the municipal office will be open to serve the public for less than 20 hours each week.

SECTION 3 repeals clause 86(8)(c) of the Act and substitutes a new clause (c) that provides that the Minister, when appointing a person as chief administrative officer for a municipality under clause 86(8)(a), may direct that the person's remuneration be paid by either the provincial government or the municipality.