

Guide for Transition Committees

Manitoba Municipal
Government



Table of Contents

Purpose of Transition Committees	1
Amalgamation Regulations	2
Immediate Priorities for Transition Committees	3
1. Make Outstanding Decisions.....	3
2. Establish an Organizational Structure	4
3. Review Key By-laws	5
Other Considerations	6
1. 2015 Financial Plan	6
2. Human Resources	7
Support for Transition Committee Meetings	8
Transition Committee Meetings	8
Compensation	9

Purpose of Transition Committees

Congratulations on your election to the first council of your new, amalgamated municipality. Your term of office begins January 1, 2015, when the amalgamated municipality comes into effect.

During the 9 week period following the election – from October 23 to December 31, 2014 – all elected councils of amalgamated municipalities are established as Transition Committees by a regulation passed under *The Municipal Amalgamations Act*.

You can get a copy of *The Transition Committee Regulation* at <http://web2.gov.mb.ca/laws/regs/index.php>.

It is easiest to think of Transition Committees as “councils in waiting”. You will take office when the amalgamated municipality comes into effect on January 1, 2015. Transition Committees give the new council a 9 week head start to prepare for the new municipality before they take office.

Transition Committee decisions must be formally adopted, by a resolution or by-law, by council after January 1, 2015 in order to have any legal effect.

It is also important to remember that Transition Committees are not involved in making decisions for the existing amalgamating municipalities. The term of office of current council members has been extended to December 31, 2015 to coincide with when the amalgamating partner municipalities cease to function. Current councils will continue to make day to day decisions for their respective municipalities and act in a housekeeping role until December 31, 2015.

A first step for Transition Committees will be to understand the new municipality’s make-up. Amalgamation has brought together two or three municipalities. Your new municipality may now include urban communities, farming areas, and cottaging areas.

As well, Transition Committees should know the details about how the new municipality will be governed and how it will function when it comes into effect on January 1, 2015. These details are established in the amalgamation regulations.

Amalgamation Regulations

Your amalgamated municipality was established by a regulation passed under *The Municipal Amalgamations Act*.

Amalgamation regulations set out details about how the new municipality will be governed and how it will function. Regulations reflect the decisions that were made by councils of amalgamation partners and included in amalgamation plans. As a result, all amalgamation regulations differ.

Amalgamation regulations have provisions establishing the:

- name of the new municipality
- location of the municipal office
- date, time and location of the first meeting of the new council.
- size and structure of council – total number of council members, whether councillors are elected at large or by wards, and if by ward, the legal description of the wards.

The size and structure of council is time limited (generally for one or two council terms). After this time, Councils have authority to change the number of council members and the structure of council, subject to *The Municipal Act*.

- appointment of a CAO
- continuation of existing by-laws and resolutions, and which by-laws and resolutions apply if they conflict.

Existing by-laws and resolutions apply only until council passes new by-laws and resolutions for the amalgamated municipality.

- taxation measures, such as authority for different mill rates or the creation of new Local Urban Districts, to prevent tax shifting.
- Taxation measures are time limited (generally for one or two council terms), to give councils time to consider and put in place longer term solutions, such as special service levies.
- You can get a copy of the amalgamation regulation from your CAO. A copy may also be accessed from the Government of Manitoba website at: <http://web2.gov.mb.ca/laws/regs/index.php>.

Immediate Priorities for Transition Committees

The full integration to the new municipality is a process that will take some time. Not everything can or should be done before January 1, 2015. Transition Committees should focus first on immediate priorities.

1. Make Outstanding Decisions

In some amalgamated municipalities, key decisions about how the new municipality will function were deferred to the new council. Where this has occurred, Transition Committees should make these outstanding decisions their immediate priority.

Remember, the new council will need to pass a by-law or resolution after January 1, 2015 to give effect to Transition Committee decisions.

Appoint a CAO

All municipalities are required to have a CAO.

Transition Committees need to decide on a CAO if your municipality has not yet appointed one. Transition Committees must, at a minimum, decide on the appointment of an acting CAO if a decision cannot be made on a permanent CAO.

The council of the new, amalgamated municipality will need to ratify the CAO appointment at its first meeting in January 2015.

Decide on a first meeting date and time

Transition Committees need to decide on the date and time of the first meeting of the new council, if this has not yet been done.

The first meeting of the new council must be held within a month of the council taking office (before January 31, 2015), as required by the amalgamation regulation.

If a CAO was not appointed, the first meeting of the new council must be held within the first 2 weeks (before January 16, 2015). This ensures a CAO can be appointed as early as possible.

Transition Committees should consider holding the first council meeting at a time when citizens are most likely to attend. Many municipalities hold council meetings in the evening so that citizens can attend.

It is also important that citizens are provided with advance notice of the meeting.

Notice must be provided in accordance with the procedures by-law that is in place for your municipality (see page 5 of the Guide).

Decide on a municipal office location

Transition Committees need to decide on the municipal office location if the location has not already been determined and included in the amalgamation regulation.

A municipal office location is needed for administration and operational purposes. Stakeholders and citizens will need to know where and how to contact the municipality.

Council can do additional review, including consultation with the public and change the office location at a later point if they wish.

Even after a municipal office location is decided, other municipal offices can remain open as “satellite” offices on an interim or a permanent basis.

2. Establish an Organizational Structure

Municipalities structure themselves to ensure they can deliver services efficiently and effectively.

Municipalities organize themselves by establishing council committees and delegating specific authorities to them, appointing a CAO, appointing department heads with specific responsibilities, and ensuring staff resources are in place.

Transitional Committees should develop an organizational chart to illustrate their structure, to clarify responsibilities for service delivery, and to clarify reporting relationships.

3. Review Key By-laws

The by-laws and resolutions of each of the former municipalities are in effect for the new, amalgamated municipality, except where they conflict.

Your amalgamation regulation has a provision to determine which by-law or resolution applies where by-laws and resolutions conflict. In some amalgamated municipalities, the most recently passed by-law or resolution will apply; in others, a specific municipality's by-law or resolution applies.

A review of the by-laws and resolutions will be necessary because the make-up of the municipality has changed with amalgamation. A review can be done over a period of time and as the need arises.

Transition Committees should, however, review two critical by-laws: the Organizational By-law and the Procedures By-law. These by-laws must be reviewed by councils at least once during their term. Most councils review them early in their term to ensure they meet the needs of the municipality.

Organizational By-law

The Organization By-law establishes an organizational structure to ensure council business is efficient and effective:

- council committees, eg. Transportation Committee, Personnel Committee, Finance Committee
- positions with signing authority
- appointment of a deputy head of council
- title of the head of council (mayor or reeve)

Procedures By-law

The Procedures By-law establishes rules to ensure municipal business is conducted in an open and transparent manner:

- day, time, place and frequency of regular council meetings
- rules of conduct at council meetings and public hearings
- rules for public participation at council meetings
- notice requirements for regular and special council meetings
- procedure and notice to change a regular council meeting
- procedures for appointing a member of council to act in lieu of the head of council or deputy head of council

Other Considerations

Transition Committees can also begin to consider other municipal business, once priority decisions have been made.

1. 2015 Financial Plan

In 2015, Council will develop the first Financial Plan for the amalgamated municipality. The financial plan reflects the services to be delivered by the new municipality and the revenue required to pay for those services.

Most municipalities start developing their 2015 Financial Plan in February or March. The plan is comprised of an operating budget, a capital budget, and a 5-year capital expenditure program. Council must approve the plan by May 15, 2015.

Many amalgamating municipalities have authority to use transitional measures on a time limited basis to manage taxation. Use of these measures gives the new municipality time to fully integrate the municipality and implement other tools as needed.

The use of transitional tax measures will be reflected in the 2015 financial plan. Transitional measures include:

Differential mill rates

Municipalities using differential mill rates have authority to levy a different mill rate on properties in the former municipalities, rather than a single mill rate on the whole of the municipality.

The different mill rates reflect the different types and levels of services delivered in the areas of the amalgamation partners.

Local Urban Districts (LUDs)

Some urban amalgamation partners have been established as new LUDs on a time-limited or a permanent basis. New LUDs come into effect on January 1, 2015, when the new municipality comes into effect.

“Old” LUDs will continue in the amalgamated municipality (unless they were dissolved at the request of the amalgamation partners).

Establishment of an LUD enables urban services to be delivered to LUD residents and property owners, funded through an LUD levy. An elected LUD Committee is responsible to develop a service plan for the LUD.

The LUD Committee was elected at the October 22, 2014 election. Committee members of new LUDs take office on January 1, 2015. Committee members of “old” LUDs took office on October 23, 2014.

Council must appoint one of its members to the LUD Committee. The appointment should be made the first council meeting in January. The ward councillor of the ward where all or most of the LUD is located is to be appointed if councillors are elected on a ward basis.

2. Human Resources

All employees of amalgamating partners will become employees of your amalgamated municipality effective January 1, 2015.

Staffing Decisions

Once the organizational structure for the amalgamated municipality is determined, staffing decisions can be made.

Not all decisions need to be made immediately. It will take some time to assess the needs of the new municipality. Staffing decisions need to take into account both the needs and work requirements of the new municipality as well as the skills of individual employees.

Union and non-Union Workforces

Additionally, in some amalgamated municipalities, amalgamation may result in a unionized work force merging with a non-unionized work force, or the merger of two work forces with different unions.

The Labour Relations Act states that existing unions retain their bargaining rights and the new, amalgamated municipality “inherits” all obligations as the employer. Collective agreements remain in effect until new agreements are negotiated or ratified.

A union can apply to the Labour Board to include non-union employees or to determine which union will represent the employees. The Labour Board typically makes this decision following a vote of employees. Council has no role in this process.

Support for Transition Committees

The Transition Committee Regulation provides that CAOs of amalgamating municipalities will support the work of Transition Committees. The type of support that your Committee may need may include:

- arranging Committee meetings, at the call of the Chair
- ensuring minutes of Transition Committee meetings are taken
- providing information resources, such as the organizational by-law and procedures by-law that applies to the amalgamated municipality.
- providing analysis of options and recommended changes to the organizational and procedures by-law, a proposed organizational structure for the amalgamated municipality, etc.

CAOs will at the same time also be supporting existing councils of amalgamation partners.

Transition Committee Meetings

Transition Committee Chair

The Transition Committee Chair is the individual that has been elected as the head of council for the amalgamated municipality.

Frequency of Meetings

The Chair will determine when and how frequently Transition Committee meetings will take place.

The frequency of meetings will depend on your local circumstances and the progress that has already been made to integrate to the new municipality. In many amalgamated municipalities, integration committees were established and integration is already well on its way. Fewer meetings may be required where this has occurred.

Your Transition Committee may need to meet more frequently, ie weekly, if a CAO still needs to be appointed or if integration committees were not established.

Open Meetings

The actions and discussions of Transition Committees will set the tone for how the new, amalgamated municipality will operate.

Transition Committee meetings that are open to the public send a clear message that the amalgamated municipality intends to operate openly and transparently.

However, discussions about employee matters, such as considering the appointment of a CAO, should be closed to the public.

Compensation

The council of the amalgamated municipality will decide in 2015 whether Transition Committee members will be compensated, and if so, the amount of compensation.

The amount of compensation should be established in the amalgamated municipality's compensation by-law. This will be included as expenditure in the 2015 financial plan.

