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Bill Pr32

An Act respecting the Association of Municipal Managers, Clerks and Treasurers of Ontario

Ms E. McMahon

Private Bill

1st Reading December 9, 2015

2nd Reading

3rd Reading

Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting the Association of Municipal Managers, Clerks and Treasurers of Ontario

Preamble

The Association of Municipal Managers, Clerks and Treasurers of Ontario has applied for special legislation to re-enact its governing Act so that it uses the current name of the Association, changes the designations that are reserved to members of the Association, provides that matters respecting the corporate governance of the Association are determined by the Association's by-laws and continues to allow the Association to govern and discipline its members. The Association was incorporated by letters patent dated November 20, 1962 under the name The Municipal Clerks and Finance Officers Association of Ontario, changed its name by supplementary letters patent dated October 8, 1965 to Association of Municipal Clerks and Treasurers of Ontario, was continued under that name by the *Association of Municipal Clerks and Treasurers of Ontario Act, 1985* and changed its name to its current name by supplementary letters patent dated February 17, 2000.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“Association” means the Association of Municipal Managers, Clerks and Treasurers of Ontario;

“board” means the board of directors of the Association;

“by-laws” means the by-laws of the Association;

“registrar” means the registrar of the Association appointed under section 6.

Association continued

2. (1) The corporation known as the Association of Municipal Managers, Clerks and Treasurers of Ontario is hereby continued as a corporation without share capital under the same name.

Composition

(2) The persons registered as members of the Association constitute the corporation.

Continuation of present board and officers

(3) The members of the board and the officers of the Association in office immediately before the coming into force of this Act are hereby continued in office until their successors are elected or appointed in accordance with the by-laws.

References to prior name

(4) Any reference in a document to the Association of Municipal Clerks and Treasurers of Ontario shall be read as a reference to the Association of Municipal Managers, Clerks and Treasurers of Ontario.

Special Act corporation

(5) The Association is deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to improve the professional standards and promote the interests of its members in carrying out their municipal duties in Ontario;
- (b) to provide formal training and educational facilities for its members;
- (c) to hold conferences and meetings for the discussion, reading of papers and delivery of lectures respecting municipal affairs, interests and duties.
- (d) to issue copies of papers, lectures and other material to its members, and generally to collect, collate and publish information of service or interest to its members;
- (e) to ascertain and notify its members of the laws and practices relevant to them; and
- (f) to maintain discipline among its members.

Board

4. (1) The affairs of the Association shall be managed by the board.

Corporate governance to be determined by by-laws

- (2) The following shall be determined by the by-laws:
 1. The size and composition of the board.
 2. The qualifications, nomination and election or appointment of the members of the board.

3. The terms of office of the members of the board.
4. The quorum required for meetings of the board.
5. The declaration and filling of vacancies on the board.
6. The composition, terms of reference and procedures of committees.
7. The calling, holding and conducting of meetings of the board, of the committees of the Association and of the members of the Association.
8. The election or appointment and duties of the officers of the Association, and their removal.
9. The appointment of any other persons as are necessary to perform the work of the Association.
10. Any other matters relevant to the Association's corporate governance.

By-laws

5. (1) The board may pass by-laws regarding matters necessary to manage the affairs and carry out the objects of the Association.

Confirmation of by-law

(2) No by-law passed by the board comes into force until it is confirmed or amended and confirmed by the general membership at an annual meeting or at a special meeting called for the purpose of considering the by-law.

Registrar

6. (1) The board shall appoint a registrar, who need not be a member of the board.

Duties

(2) The registrar shall perform the functions assigned to the registrar by this Act and any other duties assigned to the registrar by the board.

Membership

7. (1) The Association shall grant a membership in the Association to any individual who applies for membership in accordance with the by-laws if the individual,

- (a) is at least 18 years old;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (c) has obtained the qualifications that the board may set or approve in accordance with the by-laws.

Register

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing.

Privileges of membership

(3) Only those persons whose names are entered in the register as described in subsection (2) are entitled to the privileges of membership in the Association.

Public inspection of register

(4) The Association shall make the register available for inspection by the public at its head office during normal office hours.

Appeals

(5) Any individual who has been refused membership or who has been subject to a disciplinary sanction by the Association may appeal to the Divisional Court, in accordance with the rules of court, from the refusal or sanction.

Certified copy of record

(6) Upon the request of an individual desiring to appeal to the Divisional Court and upon payment of the required fee, the registrar shall give the individual a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Grounds for appeal

(7) An appeal under this section may be made on questions of law or fact, or both.

Powers of court

(8) The court may affirm or rescind the decision appealed from, may substitute its opinion for that of the board or committee that made the decision or may refer the matter back to the board or committee for rehearing, in whole or in part, in accordance with the directions that the court considers proper, and for such purposes, the court may exercise all powers of the board or committee that made the decision or may direct the board or committee to take any action that the board or committee may take and as the court considers proper.

Designations

8. (1) Every registered member of the Association who has satisfied the criteria set out in the by-laws to be entitled to use one of the following designations may use the designation "Accredited Municipal Professional", "Accredited Ontario Municipal Clerk", "Certified Municipal Officer" or "Accredited Municipal Clerk Treasurer", as the case may be, and may use after the member's name the initials "AMP", "AOMC", "CMO" or "AMCT", respectively.

Offence

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses any designation or any set of initials referred to in subsection (1), either alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that he or she is a registered member of the Association is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified by the registrar to be a true copy of the original, is sufficient evidence of all persons who are registered members of the Association.

Same

(4) A certificate purporting to be signed by a person in that person's capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without any proof of that person's signature or of that person being in fact the registrar.

Same

(5) The absence of the name of any person from a copy of the register certified by the registrar is proof, in the absence of evidence to the contrary, that the person is not a registered member of the Association.

Right to practise unaffected

9. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a municipal officer or employee in Ontario.

Surplus

10. Any surplus derived from carrying on the activities of the Association shall be devoted and applied solely in promoting and carrying out its objects and shall not be divided among its members.

Repeal

11. The *Association of Municipal Clerks and Treasurers of Ontario Act, 1985* is repealed.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Association of Municipal Managers, Clerks and Treasurers of Ontario Act, 2015*.