# PARLIAMENT

# OF THE

# REPUBLIC OF TRINIDAD AND TOBAGO

## [2009 SESSION]

# REPORT

# OF THE

# JOINT SELECT COMMITTEE

# ON

# THE LOCAL GOVERNMENT BILL, 2009

---

**TOGETHER WITH THE MINUTES OF PROCEEDINGS**

**Ordered to be printed**

**PAPER NO: / 2009**

**MP PARL: NO. 14/3/28**

# Table of Contents

# INTRODUCTION

The Local Government Bill, 2009 was introduced in the House of Representatives on July 03, 2009.

The Local Government Bill, 2009 seeks to reform and modernise the system of local government in Trinidad and primarily provides for:

- twelve Municipalities, the delineation of their boundaries, and their classification as cities, boroughs and regions;
- the establishment of Municipal Councils, Executive Councils and uniformed Departments for each Municipal Corporation, and specifies the responsibilities of each;
- a specific role for the Government in relation to Municipal Corporations; and
- the establishment of Central Administrative Districts and Central Administrative District Co-ordinating Committees.

This Bill, once passed, will replace the existing Municipal Corporations Act (Chap 25:04).

Local government affects everyone's life. Many of the community services and facilities in communities are provided by a municipal corporation. Municipal corporations are responsible for the building and maintenance of local roads, bridges and drains, collecting garbage, maintaining parks and community facilities, issuing building approvals and overseeing public health and sanitation.

In Trinidad and Tobago, the roles of Local Government have been revisited quite often in the face of changing environmental conditions and the policy perspectives of successive administrations since Independence in 1962. Nonetheless, as at 2009, the current Local Government system in Trinidad and Tobago is still not efficient and is oftentimes ineffective. Some of the apparent negatives include the duplication of roles and responsibilities by other ministries/departments and the inability of municipalities to cope with the changing dynamics.

Over the years this has resulted in a system too burdensome and convoluted to deliver the most basic needs of the communities they are intended to serve.

In this modern era, the purpose of Local Government is deemed to be the empowerment of people in communities to manage governmental affairs assigned to them, in accordance with accepted democratic principles. Local Government Reform is now being pursued throughout the world with emphasis on decentralization, good governance, local democracy and citizen participation.

The Local Government Bill, 2009 is aimed at bringing into reality some of the international best practices while considering the environmental characteristics of Trinidad and Tobago.

# THE COMMITTEE

### *APPOINTMENT*

Pursuant to resolutions passed in the House of Representatives on July 10, 2009 and in the Senate on July 14, 2009, a Joint Select Committee was appointed on July 17, 2009 to consider and report on the Local Government Bill, 2009.

### *MEMBERSHIP*

The composition of the Joint Select Committee on the Local Government Bill, 2009 is as follows:

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Subhas Panday | - | Member |
| Dr. Emily Dick- Forde | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Prof. Ramesh Deosaran | - | Member |

### *TERMS OF REFERENCE*

The Committee was mandated to consider and report on the Local Government Bill, 2009. In so doing, the Committee was empowered to consider the general merits and principles of the Bill, as well as, the Draft White Paper on Local Government Reform, 2009.

The Committee was required to report to the Parliament within three months of its appointment i.e. by October 16, 2009.

## ELECTION OF A CHAIRMAN AND DETERMINATION OF A QUORUM

At its first meeting, the Committee elected Mr. Joseph Ross to serve as Chairman, and Ms. Christine Kangaloo to act as "Chairman for the day", on any occasion that the Chairman was absent.

At this meeting, the Committee also agreed that the presence of the Chairman and four (4) other persons, with a representative from each House, would constitute a quorum.

## SECRETARIAT

Secretariat support to your Committee was provided by:

- Mrs. Nataki Atiba-Dilchan - Secretary
- Ms. Aleah N. Ranjitsingh - Assistant Secretary
- Mr. Avinash Sarran-Persad - Assistant Secretary
- Ms. Khisha Peterkin - Assistant Secretary

## MEETINGS

The Committee held a total of thirteen (13) meetings as detailed below:

- Wednesday July 28, 2009
- Wednesday August 12, 2009
- Wednesday August 19, 2009
- Wednesday August 26, 2009
- Tuesday September 01, 2009
- Tuesday September 08, 2009
- Friday September 18, 2009
- Wednesday October 28, 2009
- Wednesday November 04, 2009
- Thursday November 12. 2009
- Wednesday November 18, 2009
- Wednesday December 03, 2009
- Friday December 11, 2009

The Minutes of these proceedings are attached.

## DELIBERATIVE PROCESS

### *Supplementary Documentation*

At its first meeting the Committee agreed that source documents and reports from the Ministry of Local Government, which detailed submissions from stakeholders during the public consultation process, were necessary for comprehensive deliberation on the Bill. Requested documents were received and considered.

### *Expert Advice*

Technical assistance was sought from the Ministries of Local Government and Finance, as well as, the Office of the Chief Parliamentary Counsel. The under-named team of officials provided technical support to the Committee during its meetings:

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Velma Johnson | - | Deputy Permanent Secretary |
| Mr. Stephen Creese | - | Deputy Permanent Secretary |
| Ms. Doreen Lewis | - | Ag. Director Municipal Corp. Relations |
| Ms. Camille Forde | - | Acting Senior Planning Officer |
| Mr. Jameel Mohammed | - | Technical Officer |
| Mrs. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Ms. Annalean Inniss | - | Legal Counsel |
| Mr. Andre Lashley | - | Decentralization Officer |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Mr. Goodwin Richardson | - | Financial Director |
| Mr. Hugh Robertson | - | Consultant |
| Mr. Ian Mc Intyre | - | Legal Consultant |
| Ms. Ida Mariana Eversley | - | Asst. Chief Parliamentary Counsel |
| Mr. Glen Mahabir | - | Parliamentary Counsel |
| Ms. Angela Moore | - | Parliamentary Counsel |

### *Written Submissions*

In order to solicit direct public comment, the Committee invited written submissions, for a three-week period, via newspaper advertisement. Copies of the Bill and Draft White Paper were made available at all Regional Corporations, Offices of Members of Parliament and online at the Parliament's Website.

### *Oral Submissions*

Your Committee considered the Heads of the Municipal Corporations vital stakeholders in the reform process, and as such held two (2) meetings with them. Opportunity was given for elaboration on written submissions that had been made and for the discussion of other concerns.

### *Clause by Clause analysis*

Your Committee completed clause by clause analysis of the 116 clauses of the Bill at its sixth meeting. At this stage in the process approximately 11 clauses had been referred to the Chief Parliamentary Counsel for further consideration and amendments were agreed to for another 15 clauses. Several areas of disagreement were identified and these were addressed in the subsequent meetings through further discussions with Ministry officials.

## *KEY ISSUES*

Arriving at consensus on several issues proved to be a continual challenge for the Committee.

### *Public Consultation*

The earliest point of contention was on the matter of inviting stakeholder input at meetings of the Committee. The majority of Members felt that there was no need for wide consultation since the records of the wide public consultation done by the Ministry of local Government had been submitted to the Committee. A significant minority, however, expressed the view that further consultation was essential for the Committee to garner its own information on public concerns with regard to the legislation.

This matter was discussed at almost every meeting of the Committee. It was decided that consideration would be given to further public consultation based on any matters that may arise subsequent to the clause-by-clause consideration of the Bill, as well as, the written submissions received by the Committee via newspaper advertisement.

### *General principles of the Bill*

While all Members accepted that the reform of the system of Local Government was a necessity and they were all in concurrence with the aims of the Local Government Bill, 2009, there was dissension on a few of the base principles which informed the organizational structures being proposed within the Bill.

Outlined below were the main points of dissension, which ultimately resulted in some clauses being approved on division.

### *Establishment of Municipalities*

The reduction of the number of municipalities was seen as a retrograde step in respect of the ability of corporations to provide quality service. Some Members were not convinced that future transportation and road network schemes would guarantee acceptable levels of accessibility to services. Questions were also raised as to the possible effects of the reorganization of the boundaries on existing polling divisions.

### *Executive councils*

The composition the Executive Council, as well as, the role of the Minister in their appointment and functioning was questioned by some Members. The Committee discussed this matter over several meetings in an effort to arrive at a common understanding of the intent of the proposed legislation.

### *Staff arrangements*

The transition from public service staffing arrangements to the use of contract officers at all levels of the Corporations was another point of departure. Concerns were expressed as to what protection would be afforded to employees with the removal of the role of the Service Commissions.

# INTERIM REPORTS

Your Committee was unable to submit a final report to the Parliament within the mandated deadline and as such had submitted two (2) Interim Reports seeking extensions of time.

The First Interim Report of your Committee was laid in the Senate on Tuesday October 20, 2009 and in the House of Representatives on Wednesday October 21, 2009. In this report, your Committee requested an extension of four (4) weeks in order to submit a final report to the Parliament.

The Second Interim Report of your Committee was laid in the House of Representatives on Friday November 18, 2009 and in the Senate on Tuesday December 02, 2009. This report sought an additional four (4) weeks in order to submit a final report to the Parliament. This report was accompanied by a Minority Report.

In accordance with Standing Order 75(1) of the Senate and 82(1) of the House of Representatives, your Committee wishes to report that the given the scope of the matter for its consideration, as well as the detailed analysis that has been undertaken, your Committee does not foresee that it will be able to complete its task within the extended time frame.

# RECOMMENDATIONS

Given the foregoing, as well as, the imminent prorogation of the Second Session of the Ninth Parliament, your Committee wishes to recommend:

(i) that your Committee be empowered to continue its work until the end of this session; and

(ii) should a new Committee , on the same subject matter, be appointed in the next session, that consideration be given to the work done by your Committee.

Respectfully submitted,

Sgd.
Hon. Joseph Ross, MP
Chairman

Sgd.
Sen. the Hon. Hazel Manning
Member

Sgd.
Hon. Christine Kangaloo, MP
Member

Sgd.
Sen. the Hon. Dr. Emily Gaynor Dick-Forde
Member

Sgd.
Ms. Pennelope Beckles, MP
Member

Sgd..
Sen. the Hon. Jerry Narace
Member

Sgd.
Mr. Anthony Roberts, MP
Member

Sgd.
Sen. Wade Mark
Member

Sgd.
Mr. Chandresh Sharma, MP
Member

Sgd.
Sen. Lyndira Oudit
Member

Mr. Subhas Panday, MP
Member

Sgd.
Sen. Professor Ramesh Deosaran
Member

**December 14, 2009**

**Appendix**

# MINUTES OF PROCEEDINGS

MINUTES OF THE 1st **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY JULY 28, 2009 IN
COMMITTEE ROOM NO. 3, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Barendra Sinanan | - | Speaker |
| Mr. Joseph Ross | - | Member |
| Ms. Christine Kangaloo | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mrs. Emily Gaynor Dick-Forde | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Ms. Jacqui Sampson | - | Secretary |
| Mrs. Nataki Atiba-Dilchan | - | Asst. Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Ms. Pennelope Beckles | - | Member |

**COMMENCEMENT**

1.1 The meeting was called to order at 9:09 a.m by the Speaker who welcomed all Members present.

**ELECTION OF A CHAIRMAN**

2.1 The Speaker informed Members that Standing Order 79(3) of the House of Representatives and 71(3) of the Senate provided for the election of a Chairman by the Joint Select Committee. The Speaker invited nominations for the post.

2.2 Mr. Joseph Ross was nominated by Mr. Jerry Narace. His nomination was seconded by Ms. Christine Kangaloo.

2.3 There being no further nominations, Mr. Joseph Ross was declared Chairman.

2.4 The Speaker invited Mr. Joseph Ross to take the Chair.

## ELECTION OF A VICE-CHAIRMAN

3.1 The Chairman first expressed his gratitude to Members for his election and moved that the Committee consider electing a person to serve as Vice-Chairman. A question was raised as to whether it was within the power of the Committee to appoint a Vice-Chair. The Secretary advised that there was nothing to debar the Committee from appointing one of its Members to serve as Vice-Chairman in the absence of the Chairman. One Member expressed the view that this should have been included in the notice sent to Members.

3.2 Ms. Christine Kangaloo was nominated by Mr. Jerry Narace. This nomination was seconded by Mrs. Hazel Manning.

3.3 Mr. Wade Mark was nominated by Mr. Subhas Panday. This nomination was seconded Mrs. Lyndira Oudit.

3.4 On the question of the first nomination, the Committee was divided. Four members voted for and three members voted against. The proposal was agreed to. Consequently, Ms. Christine Kangaloo was declared Vice-Chairman.

3.5 Due to an urgent meeting previously scheduled for that morning, the Chairman informed Members that he had to leave. He apologized to members and handed the meeting over to the Vice-Chairman.

## DETERMINATION OF A QUORUM

4.1 The Vice-Chairman invited suggestions from Members on what would be an appropriate quorum for the Committee.

4.2 After some discussion, it was agreed that a quorum of the Committee would consist of five (5) Members inclusive of the Chair, with at least one (1) person from each House.

## DISCUSSION OF TERMS OF REFERENCE

5.1 The Vice- Chairman reminded Members of the Committee's terms of reference as follows:

*"to consider the Local Government Bill, 2009 and report within three months*[1]*"*

5.2 It was noted that the Committee was also empowered to consider the general merits and principles of the Bill along with its details, as well as the Draft White Paper on Local Government Reform.

5.3 There were extensive discussions on the mandate and the way forward. It was eventually agreed that:

---

[1] The Committee was properly constituted on Friday July 17, 2009. Therefore the date by which the Committee must report is Friday October 16, 2009

1) the Committee would send for the following papers and records from the Ministry of Local Government:

    - reports on the various consultations held with stakeholders on local government reform, inclusive of the submissions, comments and memoranda received from the stakeholders;
    - the five-part report of the expert Consultant on Local Government (the Trevor Hamilton Report); and
    - a matrix identifying the significant reform proposals and other key points addressed in the Bill

    These would be used to determine any gaps that existed in the process of consultation and information gathering.

2) members would submit to the Committee lists of organizations/groups, with which they wished to hold consultations

3) technical assistance would be sought from the Ministry of Local Government and the office of the Chief Parliamentary Counsel. Such persons are to be invited to attend future meetings.

**ADJOURNMENT**

6.1 The Committee agreed that its next meeting would be scheduled for ***Wednesday August 12, 2009 at 1:00pm.***

6.2 The adjournment was taken at 9:53a.m.

Sgd.

Chairman

Sgd.

Secretary

**July 28, 2009**

MINUTES OF THE 2nd **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY AUGUST 12, 2009 IN
COMMITTEE ROOM NO. 3, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Vice Chairman |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mrs. Emily Gaynor Dick-Forde | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |

| | | |
|---|---|---|
| Ms. Jacqui Sampson | - | Secretary |
| Mrs. Nataki Atiba-Dilchan | - | Asst. Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Prof. Ramesh Deosaran | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Velma Johnson | - | Deputy Permanent Secretary |
| Doreen Lewis | - | Ag. Director Municipal Corp. Relations |
| Camille Forde | - | Acting Senior Planning Officer |
| Jameel Mohammed | - | Technical Officer |
| Patricia Boyce-Diaz | - | Director Human Resources |
| Rodney Ramlogan | - | Manager, Regional Planning |
| Annalean Inniss | - | Legal Counsel |
| Andre Lashley | - | Decentralization Officer |
| Cornelius Price | - | Decentralization Coordinator |
| Goodwin Richardson | - | Financial Director |

**REPRESENTATIVE OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

Ida Mariana Eversley - Ass't. Chief Parliamentary Counsel

**ALSO PRESENT**

Hugh Robertson - Consultant

**COMMENCEMENT**

1.2 The Chairman called the meeting to order at 1:10 pm and welcomed all Members present.

**MINUTES- July 28, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes. The following corrections were agreed to:

> **Page 3 Paragraph 5.3 (1)** should read "*These would be sent to all Members of the Committee and that these, among other documents, will be used to determine any gaps that existed in the process of consultation and information gathering.*"
>
> **Page 3 Paragraph 5.3 (3)** should read "*technical assistance would be sought from various agencies including the Ministry of Local Government and the office of the Chief Parliamentary Counsel. Such persons may be invited to attend future meetings.*"

2.2 The motion for the confirmation of the minutes as amended was moved by Mr. Narace and seconded by Mrs. Oudit.

2.3 The Minutes as amended were confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Chairman drew the attention of Members to Paragraph 5.3 (1) and informed them that requested documents were received from the Ministry of Local Government and were dispatched to all Members.

3.2 With reference to Paragraph 5.3 (3), the presence of representatives from the Ministry of Local Government and the office of the Chief Parliamentary Counsel was noted.

3.3 The point was made by Mr. Mark that the five-part expert consultant report was requested from the Ministry but was not received by the Committee.

3.4 Mrs. Manning explained that the Ministry did not accept all the recommendations of the consultants and was therefore not in a position to submit those documents as requested.

**CONSIDERATION OF THE BILL**

After some discussion on the method to be used in the analysis of the Bill, it was agreed that in accordance with Standing Order 54 of both Houses, the details of each clause would be considered, after which, the Committee would decide whether it would accept, defer or amend the clause.

Clauses 1 to 24 were reviewed and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| 1 | None | Approved |
| 2 | None | Approved |
| 3 | Uncertainty about the meaning of some definitions | To be taken as first item for consideration at next meeting |
| 4 | None | Approved |
| 5 | Why a change from 14 to 12 municipalities?<br>How will accessibility to services be ensured?<br>Why should the President, by Order, specify boundaries and classify municipalities? | Deferred |
| 6 | Clause 6 (1)(f) is contingent on Clause 5 (2) | 6 (1)(a), (b),(c),(d). and (e) approved<br><br>6 (1)(f) deferred<br><br>6 (2) approved |
| 7 | How do changes in boundaries affect the electoral districts? | 7(1)(a) deferred<br><br>7 (1)(b), 7(2) and 7(3) approved. |
| 8 | None | Approved |
| 9 | Clause 9 pre-supposes a two–party system. It should be amended to state that other Councilors shall elect **two** Aldermen. | Deferred. Referred to the Ministry of Local Government |
| 10 | 10(1)(b)- Issues were raised regarding the power of the Mayor to nominate the Deputy Mayor, as opposed to the Deputy Mayor being elected. | 10(1)(b), 10(1)(a), 10(2)(b)–Deferred. Referred to the Ministry of Local Government<br><br>10(2)(a)- approved |
| **Clause No.** | **Issues raised** | **Decision** |
| 11 | 11(4)- Further clarification is needed with regards to the voting procedure. | 11(4)- Deferred. Referred to the Ministry of Local Government<br><br>11(1)-(4)- approved |
| 12 | None | Approved |
| 13 | None | Approved |
| 14 | 14(3) - Issues were raised regarding the stated time period. | 14(3)- Deferred. Referred to the Ministry of Local Government |

| | | |
|---|---|---|
| | 14(4)- Should the Council be mandated to extend the oath taking period?<br>Why a three- month extension?<br>Why notify the Prime minister and not the Line Minister? | 14(4)- Deferred.<br>Referred to the Ministry of Local Government<br><br>14(1)-(2)- approved |
| 15 | 15(1)(c)- Clause is ambiguous<br><br>15(4)(a)- Issues were raised regarding dual-citizenship.<br><br>15(4)(h)- Issues were raised regarding the drafting of the clause.<br><br>15(4)(i)- Issues were raised regarding the inclusion of the words "or under Part VI" in the Clause.<br><br>15(6)(b)- Delete words "on indictment."<br><br>15(4)(h)-Further clarification needed. | 15(1)(c) – Deferred.<br>Referred to the Ministry of Local Government.<br><br>15(4)(a)- Deferred.<br>Referred to CPC for further examination.<br><br>15(4)(h)-Deferred.<br>Referred to the Ministry of Local Government.<br><br>15(4)(i)- Deferred.<br>Referred to CPC for further examination.<br><br>Approved pending deletion<br><br>15(4)(h) –deferred<br><br>15(1)(a)-(b), 15(2), 15(3), 15(4)(b)-(h)- approved. |
| 16 | None | Approved |
| **Clause No.** | **Issues raised** | **Decision** |
| 17 | 17(1) – Issues were raised with regards to the length of term of office of Council Members. | 17(1)- Deferred.<br>Referred to the Ministry of Local Government for review.<br><br>17(2)-approved. |
| 18 | None | Approved |
| 19 | 19- Replace the word "where" with the word "when."<br><br>19(d) – Issues were raised with the phrasing of this clause. | 19-Approved pending re-drafting by CPC<br><br>19(d)- Deferred.<br>Referred to CPC for re-drafting. |
| 20 | 20(1)(a)- Clause should specify the type of meeting stated. The actual "meeting" meant should be defined.<br><br>20(3)-Members suggested that notice of vacancy be printed in **two** daily newspapers instead of one. | 20(1)(a)- Deferred.<br>Referred to CPC for re-drafting.<br><br>20(3)-Approved pending change. Referred to the Ministry of Local |

| | | |
|---|---|---|
| | | Government. |
| 21 | Clause 21(4)- Issues were raised regarding the inclusion of mechanisms for the removal of an Alderman from Office in the Bill. | 21(4)-Deferred. Referred to the Ministry of Local Government.<br><br>21(1)-(3), 21(5)-approved. |
| 22 | None | Approved |
| 23 | Clause 23(2)-"Committees" as stated in the clause needs further clarification. | 23(2)- Deferred. Referred to the Ministry of Local Government for review.<br><br>23(1)-approved. |
| 24 | None | Approved. |

**ADJOURNMENT**

6.1 The Committee agreed that its next meeting would be scheduled for ***Wednesday August 19, 2009 at 1:00pm.***

6.2 The adjournment was taken at 5:23 p.m.

Sgd.

Chairman

Sgd.

Secretary

**August 13, 2009**

MINUTES OF THE 3rd **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY AUGUST 19, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Vice Chairman |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mrs. Emily Gaynor Dick-Forde | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| | | |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Verna Johnson | - | Deputy Permanent Secretary |
| Stephen Creese | - | Deputy Permanent Secretary |
| Jamel Mohammed | - | Technical Officer |
| Patricia Boyce-Diaz | - | Director Human Resources |
| Rodney Ramlogan | - | Manager, Regional Planning |
| Andre Lashley | - | Decentralization Officer |
| Cornelius Price | - | Decentralization Coordinator |
| Goodwin Richardson | - | Financial Director |
| Hugh Robertson | - | Consultant |

**REPRESENTATIVE OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ida Mariana Eversley | - | Asst. Chief Parliamentary Counsel |

**<u>COMMENCEMENT</u>**

1.3 The Chairman called the meeting to order at 1:20 pm and welcomed all Members present.

**MINUTES- August 12, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes. The following corrections were agreed to:

**Page 2 Paragraph 3.1** should read "*The Chairman drew the attention of Members to Paragraph 5.3 (1) and informed them that* ***some of the*** *requested documents were received from the Ministry of Local Government and were dispatched to all Members.*"

2.2 The motion for the confirmation of the Minutes as amended was moved by Mrs. Dick-Forde and seconded by Mrs. Oudit.

2.3 The Minutes as amended were confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Chairman invited Members to raise matters arising from the Minutes.

3.2 The matter of the non-receipt of the five-part consultant report was again raised. A lengthy discourse ensued on the powers of the Committee to send for papers, and the need for Members to have source documents during the consideration of the Bill.

3.3 The discussions ended with a request from the Chairman that another week be given to resolve the matter. Members acquiesced to this request.

3.4 The Committee also agreed to send for the following papers from the Ministry of Local Government:

- a list of the recommendations made by each of the bodies participating in the local government consultations, with an indication of which recommendations were accepted or rejected; and
- the model(s) used in determining the proposals contained in the Local Government Bill, 2009

3.5 The issue of inviting stakeholders to give oral evidence was also raised. The Committee agreed that this would be done at a later date, after the unresolved issues in the Bill were identified.

**CONSIDERATION OF THE BILL**

4.1 The Committee invited the technical staff from the Ministry of Local Government and the office of the Chief Parliamentary Counsel to join the meeting.

4.2 The Committee agreed to continue with the examination of the clauses from Clause 25.

4.3 Clause 25 was considered and issues of devolution, decentralization and service retention were raised.

4.4 Members agreed to defer Clause 25

*(The meeting was suspended for a tea break.)*

**ADJOURNMENT**

5.1 On the suggestion made by Mr. Sharma, the Committee agreed to adjourn its meeting to ***Wednesday August 26, 2009 at 11:00a.m.,*** with a view to continuing its deliberations into the evening.

5.2 The adjournment was taken at 4:20 p.m.

Sgd.

Chairman

Sgd.

Secretary

**August 20, 2009**

MINUTES OF THE 4th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY AUGUST 26, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Vice Chairman |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mrs. Emily Gaynor Dick-Forde | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

Prof. Ramesh Deosaran - Member

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Verna Johnson | - | Deputy Permanent Secretary |
| Jameel Mohammed | - | Technical Officer |
| Patricia Boyce-De Peza | - | Director Human Resources |
| Rodney Ramlogan | - | Manager, Regional Planning |
| Andre Lashley | - | Decentralization Officer |
| Cornelius Price | - | Decentralization Coordinator |
| Goodwin Richardson | - | Financial Director |
| Hugh Robertson | - | Consultant |
| Annalean Inniss | - | Senior Legal Cousel |

**REPRESENTATIVE OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ida Mariana Eversley | - | Asst. Chief Parliamentary Counsel |
| Mr. Glen Mahabir | - | Parliamentary Counsel |

**<u>COMMENCEMENT</u>**

1.4 The Chairman called the meeting to order at 11:04 a.m. and welcomed all Members present.

1.5 The Chairman indicated that Professor Deosaran would be absent from the day's meeting.

**MINUTES- August 19, 2009**

2.1 The Chairman asked Members to consider the Minutes and enquired whether there were any corrections to be made.

2.2 Mr. Mark indicated that he had raised certain procedural matters for the consideration of the Committee that were not reflected in the Minutes. These were (i) the inappropriate election of a Vice-Chairman contrary to Standing Order 73(2) of the Senate and (ii) the clause by clause consideration of the Bill contrary to decisions taken at the first meeting of the Committee.

2.3 The motion for the confirmation of the Minutes was moved by Mr. Roberts and seconded by Mrs. Manning.

2.4 The Minutes were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Chairman informed Members that with reference to paragraph 3.2, the five-part consultant report was received and dispatched to all Members. With regard to paragraph 3.4, he advised that a call for papers was made to the Ministry of Local Government and that the response would be circulated to Members during the meeting.

3.2 Mr. Mark commented that although the Minutes at paragraph 3.5 indicated that an agreement was reached regarding the sending of invitations to stakeholders to attend meetings of the Committee, he did not recall such.

3.3 Discussions ensued on this point during which the Chairman informed Members that he had received correspondence from Mr. Mark regarding four matters as follows:

- election of the Vice Chairman
- consideration of the Bill clause by clause
- circulation of documents
- invitation to certain groups and individuals

3.4 The Committee agreed that the Draft White Paper on Local Government Reform and the Report on the Local Government Boundaries Exercise should be given the widest possible circulation for comment.

3.5 The Chairman referred Mr. Mark to Standing Orders 52, 53 and 54 on the question of procedure regarding the consideration of a Bill by a select committee.

3.6 No consensus was reached on what groups would be invited to meet with the Committee and when this meeting would take place.

3.7 On the matter of the election of a Vice Chairman, the Chairman took note and deferred further comment to the next meeting.

## CONSIDERATION OF THE BILL

4.1 The Committee invited the technical staff from the Ministry of Local Government and the office of the Chief Parliamentary Counsel to join the meeting.

4.2 The Committee continued its examination of the Bill from Clause 26 and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| **26** | **26(1)**- Issues were raised regarding the power of the Minister.<br>Members agreed that a penalty should be included in the provision.<br><br>**26(2)**-None<br><br>**26(3)**- Issues were raised regarding the insulation of officers. "Willing assistance" as stated in the clause needed further clarification.<br><br>**26(4)**- This Clause was considered with Schedule 6 of which it makes mention. | **26(1)**-Deferred<br><br>**26(2)**-Approved.<br><br>**26(3)**-Deferred. Advice of the Solicitor General would be sought.<br><br>**26(4)**-Deferred with **Schedule 6**. Schedule 6 to be re-visited. |
| **27** | **27(1)**-Issues were raised with regards to staffing and implications for the implementation of a work plan.<br>Replace "**section 41**" with "**section 49**."<br><br>**27(2)**-Issues were raised regarding the role of the Auditor General.<br><br>**27(3)**-None | **27(1)**- Approved pending amendment.<br><br>**27(2)**-Approved.<br><br>**27(3)**-Approved. |

*(The meeting was suspended for lunch.)*

4.3 The Committee continued its examination of the Bill from Clause 28 and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| **28** | **28(1)(a)**-Issues were raised regarding the definition of "Mayor."<br><br>**28(1)(b)**-The phrasing of the Clause is ambiguous. Questions were raised on the proposed number of Secretaries and whether these Secretaries should instead be identified as "departmental Secretaries." | **28(1)(a)**-Approved on division by a vote of 5-4.<br><br>**28(1)(b)**-Deferred. Referred to CPC for further clarification. |

| | | |
|---|---|---|
| | **28(2)**-Issues were raised regarding the power of the Minister.<br><br>**28(3)**- Issues were raised with the words "shall consult."<br><br>**28(4)(a) and (b)**- Issues were raised regarding the job specification of the Executive Officer. | **28(2)**-Approved on division by a vote of 5-4.<br><br>**28(3)**-Approved on division by a vote of 5-4.<br><br>**28(4)(a) and (b)**- Approved. |
| **29** | **29(1)**-Questions were raised as to whether the Executive Council can be held legally liable and as to whether the word "Corporation" should be replaced with the word "Council."<br><br>**29(2)**-None<br><br>**29(3)**-None<br><br>**29(4)**-Questions were raised on the budgeting process.<br><br>**29(5)**- Questions were raised on whether individuals can take legal action against other individuals in the Executive Council.<br><br>**29(6)**- None<br><br>**29(7)**-Questions were raised on the overall functioning of the Executive Council. | **29(1)**- Approved.<br><br>**29(2)**-Approved.<br><br>**29(3)**-Approved.<br><br>**29(4)**-Approved.<br><br>**29(5)**-Approved.<br><br>**29(6)**-Approved.<br><br>**29(7)**- Approved. |
| **Clause No.** | **Issues raised** | **Decision** |
| | **29(8)**-The general comment was made that the legislation makes no provision for a Minority Leader.<br><br>Mr. Mark put on record that the Opposition members reserved the right to bring amendments to all of Clause 29. | **29(8)**-Approved. |
| **30** | **30**-Clause makes no provision for the right of recall and also for similar resolutions specific to Members. | **30**- Deferred. |
| **31** | **31(1) and (2)**- A sub-clause **(d)** should be added in keeping with the provisions in Clause 30. | **31(1) and (2)**- Deferred. Referred to CPC. |
| **32** | **32(1)**- None | **32(1)**- Approved. |

| | | |
|---|---|---|
| | **32(2)** – It was recommended that this Clause be deleted. | **32(2)**-Deferred. |
| **33** | **33(1)-(5)**- General questions were raised regarding the refusal of the Deputy Mayor to act and the payment of acting allowances to councillors. | **33(1)-(5)**- Approved. |

*(The meeting was suspended for tea)*

4.4 The Committee continued its examination of the Bill from Clause 34 and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| **34** | **34**- None | **34** –Approved. |
| **35** | **35**-It was suggested that the word "Mayor" be replaced with the words "Presiding Officer". This suggestion was not approved. | **35**- Approved. |
| **36** | **36**-Replace "**one of their number**" with "**one amongst them**." | **36**- Approved pending amendment. |
| **37** | **37(1)**- "**Ordinary meeting**" needs to be clarified.<br><br>**37(2)**- "**Special meeting**" needs to be clarified. | **37(1)**- Deferred. Referred to CPC.<br><br>**37(2)**- Deferred. Referred to CPC. |
| **Clause No.** | **Issues raised** | **Decision** |
| | **37(3)**-"**Special meeting**" is to be further clarified. In addition, the Clause should specifically state the conditions necessary for a "special meeting."<br><br>**37(4)**- The type of meeting is to be specified. | **37(3)**-Deferred. Referred to CPC.<br><br>**37(4)**-Deferred. Referred to CPC. |
| **38** | **38(1) and (2)**- It was suggested that other types of notification (electronic, telephone, etc.) be provided for in the Clauses. The Clauses should also provide for confirmation of receipt of all notification. | **38(1) and (2)**- Deferred. |
| **39** | **39**- Replace "**shall keep**" with "**shall cause to be kept**." | **39**- Approved pending amendment. |
| **40** | **40**-Questions were raised regarding the proposed number of people which constitute a quorum. | **40**- Approved. |
| **41** | **41(1)(a)**- Issues were raised regarding amending the sub-clause to read, "the safe custody and **legal** use of the | **41(1)(a)**-Approved. |

| | | |
|---|---|---|
| | Seal."<br><br>**41(1)(b)**-None<br><br>**41(1)(c), (d) and (f)**- None<br><br>**41(1)(e)**- Amend Clause to read, "the suspension **and reinstatement** of Members."<br><br>**41(2)**- Issues were raised regarding the following:<br>-Rules and Standing Orders should be subject to an affirmative resolution of Parliament and not a negative resolution as stated in the sub-clause.<br>-Are Standing Orders specific to each Corporation or standardized?<br><br>**41(3)**- Clause is to be amended to include provision for electronic copies. | <br><br>**41(1)(b)**-Approved<br><br>**41(1)(c), (d) and (f)**-Approved.<br><br>**41(1)(e)**- Approved pending amendment.<br><br>**41(2)**- Deferred.<br><br>**41(3)**- Approved pending amendment. |
| **42** | **42(1) and (2)**- Issues were raised regarding the following:<br>-Who is "**other person**" as stated in sub-clause (2)?<br>-Where was this model taken from?<br>-Define "**good faith**" as stated in sub-clause (2)? | **42(1) and (2)**-Deferred. |
| **Clause No.** | **Issues raised** | **Decision** |
| **43** | **43**- Issues were raised regarding the following:<br>-The creation of a Committee to deal specifically with Finance.<br>-The line of authority specifically with regard to the Financial Secretary must be clearly identified.<br><br>Consideration of this Clause is to be continued at the Committee's next meeting. | **No decision taken.** |

4.5 On behalf of the Committee, Mr. Sharma expressed his appreciation for the efforts made by the technical teams from the Ministry of Local Government and the office of the Chief Parliamentary Counsel to be present and to assist in the deliberations of the Committee.

4.6 The Officials were excused from the meeting.

**<u>OTHER BUSINESS</u>**

5.1 Discussions ensued on the recommencement of sittings of the Parliament and the need for the Committee to finish its work.

**ADJOURNMENT**

6.1 The Committee agreed to adjourn its meeting to ***Tuesday September 01, 2009 at 12 noon.***

6.2 The adjournment was taken at 5:04 p.m.

Sgd.

Chairman

Sgd.

Secretary

**August 27, 2009**

MINUTES OF THE 5th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON TUESDAY SEPTEMBER 2, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Vice Chairman |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mrs. Hazel Manning | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Prof. Ramesh Deosaran | - | Member |
| Mr. Jerry Narace | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Verna Johnson | - | Deputy Permanent Secretary |
| Mr. Stephen Creese | - | Deputy Permanent Secretary |
| Jameel Mohammed | - | Technical Officer |
| Patricia Boyce-De Peza | - | Director Human Resources |
| Rodney Ramlogan | - | Manager, Regional Planning |
| Cornelius Price | - | Decentralization Coordinator |
| Ms. Doreen Lewis | - | Ag. Dir., Municipal Corps. Relations |
| Ms. Camille Forde | - | Ag. Senior Planning Officer |
| Hugh Robertson | - | Consultant |
| Annalean Inniss | - | Senior Legal Cousel |

**REPRESENTATIVE OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ida Mariana Eversley | - | Asst. Chief Parliamentary Counsel |
| Mr. Glen Mahabir | - | Parliamentary Counsel |

**COMMENCEMENT**

1.6 The Chairman called the meeting to order at 12:13 p.m. and welcomed all Members present.

1.7 The Chairman indicated that Professor Deosaran and Mr. Jerry Narace would be absent from the day's meeting.

**MINUTES- August 26, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes. The following corrections were agreed to:

> **Page 2 Paragraph 3.4** should read "*Mrs. Oudit requested that the Draft White Paper on Local Government Reform be considered along with the Local Government Bill, 2009. Thereafter, the Committee agreed that the Draft White Paper on Local Government Reform and the Report on the Local Government Boundaries Exercise should be given the widest possible circulation for comment.*"
>
> **Page 3 Paragraph 4.2 Clause 26(2)** under the heading 'Issues Raised' should read "*Issues were raised with regards to the words "**regular discussions**" as stated in the sub-clause.*
>
> **Page 4 Paragraph 4.4 Clause 29** under the heading 'Decisions' should read "*Deferred*"
>
> **Page 6 Paragraph 4.4 Clause 37(4)** under the heading 'Issues Raised' should read "Include the word "**ordinary**" before the word "**meetings**."

2.2 The motion for the confirmation of the Minutes was moved by Dr. Dick-Forde and seconded by Mrs. Oudit.

2.3 The Minutes as amended were confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 On the matter of the election of a Vice Chairman, the Chairman requested that his comments on the matter be deferred for a further week.

3.2 With regard to the question of stakeholder input, the Committee agreed to invite written submissions on the Bill from the general public. It was agreed that this would be done via a notice in three local newspapers. The public would be allowed three (3) weeks within which to submit their written comments to the Committee. These submissions would also be used to assist the Committee in its determination of which stakeholders should be invited to meet with the Committee.

3.3 The question of the procedure regarding the clause by clause consideration of the Bill was again raised and the Chairman reiterated his position with regard to what is prescribed by the Standing Orders of both Houses.

3.4 The Committee noted that the Draft White Paper on Local Government Reform and the Local Government Bill, 2009 are available online, but agreed that in an effort to achieve the widest possible circulation, hard copies of these documents would be made available at all Regional Corporations and Constituency Offices of Members of Parliament.

3.5 A request was made that Draft Minutes be forwarded to all Members for corrections and comments before final circulation.

## CONSIDERATION OF THE BILL

4.1 The Committee invited the technical staff from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel to join the meeting.

4.2 The Committee continued its examination of the Bill from Clause 42 and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| 42 | **42(1) and (2)**- This clause was examined at the 4th Meeting. However, it was suggested that a new sub-clause (3) be added to deal specifically with issues relating to privilege within the Council. | To be revisited by the Committee. |

*(The meeting was suspended for lunch.)*

4.3 The Committee continued its examination of the Bill from Clause 42 and the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| 42 **(Continued)** | Issues were also raised regarding the following:<br>-Define "**good faith**" as stated in sub-clause (2)?<br>-Who determines when a Member speaks in "**good faith**?"<br>-This clause is to be compared legislation specific to Parliament on specific matters. | **42(1) and (2)**- Deferred. Referred to CPC |
| 43 | **43**- Considered with Clause 44. | |
| 44 | **44(1)**- None<br><br>**44(2)(a)**- None.<br><br>**44(2)(b)**- Questions were raised regarding the types of fees as stated in the clause.<br><br>**44(2)(c)**- Issues were raised regarding the procedure and the authority of the Corporation to invest.<br>It was suggested that this Clause, and others as considered necessary, be referred to personnel from the | **44(1)**- Approved.<br><br>**44(a)**-Approved.<br><br>**44(b)**- Approved.<br><br>**44(c)**- Deferred. Referred to the Ministry of Finance. |

| | | |
|---|---|---|
| | Ministry of Finance for further clarification.<br>**44(2)(d)**- Issues were raised on the following-<br>-Does "**disposal**" as stated in the clause include donations?<br>-What are the procedures for "**disposal**?"<br>-Is the Clause subject to Clause 57?<br><br>**44(2)(e)**-Issues were raised on the following-<br>-Why does the Corporation have to borrow money when it already receives money appropriated to it by the government?<br>-Who is paying for such loans?<br>Is the government guaranteeing the loans?<br>-It was suggested that that Clause includes the words "**subject to the Exchequer Act**."<br><br>**44(2)(f)**- Issues were raised on the following-<br>-Donations into the Corporation Fund<br>-The establishment of a "**foundation**"<br>-The timing of the preparation of the Rules and Regulations.<br>-It was suggested that a new sub-clause 44(2)(f) be included to incorporate "rates" and taxes" and the Corporations power to raise such.<br>Mr. Mark put on record that the Opposition members will submit amendments to Clause 44(2)(f) in addition to suggestions for the Rules and Regulations.<br><br>**44(3)**-Issues were raised on the following-<br>-The power of the Minister of Finance<br>-The roles of the Financial Secretary, the Minister of Local Government and the Minister of Planning, Housing and the Environment<br>-Draft estimates being sent to Cabinet.<br><br>**44(3)(f)**- It was suggested that the words "**Revenue Authority**" be deleted and replaced with "**body responsible for collecting revenue**." | **44(d)**- Deferred.<br>Referred to the Ministry of Finance.<br><br>**44(e)**-Deferred.<br>Referred to the Ministry of Finance.<br><br>**44(2)(f)**- Deferred.<br>Referred to the Ministry of Finance.<br><br>**44(3)(a)-(f)**- Deferred.<br>Referred to the Ministry of Finance. |
| **45** | **45**- Questions were raised regarding how donations would be treated in this context. | **30**- Approved. |
| **46** | **46(1)(a)**- Issues were raised regarding the power or ability of the Corporation to pay salaries.<br><br>**46(1)(b)**- None<br><br>**46(1)(c)**- None<br><br>**46(1)(d)**-Questions were raised on the following-<br>-How does the Clause synchronize with Schedule 8?<br>-Can the "functions and responsibilities" as stated in the | **46(1)(a)**- Approved on a vote.<br><br>**46(1)(b)**- Approved.<br><br>**46(1)(c)**- Approved.<br><br>**46(1)(d)**-Deferred, To be cross-referenced with Schedule 8. |

| | | |
|---|---|---|
| | Clause be enumerated?<br>-It was suggested that a side note stating "**See Schedule 8**" be included.<br><br>**46(1)(e)**- Replace the words "**corporate property**" with the words "**property of the corporation**."<br><br>**46(1)(f)**- Issues were raised regarding Corporation interests.<br><br>**46(1)(g)**- None<br><br>**46(1)(h)**-Issues were raised on the following-<br>-The rationale for inclusion of this Clause<br>-The rationale for specifying the Queens Park Savanah as oppose to other recreational facilities/grounds.<br>-The relation of the Clause to Part IV of Schedule 8<br>-It was suggested that the Clause be further clarified by delineating exactly who is responsible for the Queens Park Savannah<br>-It was also suggested that this Clause be considered with existing legislation which is specific to this matter.<br><br>**46(1)(i)**- None<br><br>**46(2)**- Issues were raised on the following-<br>-The limits of use of surplus funds<br>-The inclusion of the Minister of Finance<br>-The words "**physical and social infrastructural development**" is to be clarified.<br><br>**46(2)(a)** – None<br><br>**46(2)(b)**- Questions were raised on the difference between what the sub-clause makes provision for and what the Ministry of Tourism is currently undertaking with respect to heritage sites.<br><br>**46(2)(c)**-Issues were raised regarding the use of the word "**inhabitants**" in the sub-clause. | **46(1)(e)**- Approved pending amendment.<br><br>**46(1)(f)**- Approved.<br><br>**46(1)(g)**- Approved.<br><br>**46(1)(h)**- Deferred.<br><br>**46(1)(i)**- Approved.<br><br>**46(2)**- Deferred. Referred to the Ministry of Finance.<br><br>**46(2)(a)**- Approved.<br><br>**46(2)(b)**- Approved.<br><br>**46(2)(c)** –Approved pending further suggestions from Mr. Mark. |
| **47** | **47**- Issues were raised regarding the rationale for a foundation. | **47**- Deferred. Referred to the Ministry of Finance. |
| **48** | **48(1)**- It was suggested that the clause be re-drafted to state "A Corporation **may by resolution** establish a foundation for such specific purpose or purposes **as specified in the resolution**" | **48(1)-(4)**- Deferred. Referred to the Ministry of Finance. |

| | | |
|---|---|---|
| | **48(2)**- Issues were raised as to how donations are dealt with as to avoid money laundering and other fraudulent activities.<br>It was suggested that books be audited by the Auditor General and other internal controls be established.<br><br>**48(3)**-Questions were raised on the purpose for submitting a report to the Council.<br><br>**48(4)**-Questions were raised on the intentions of having said report laid in the Parliament. | |
| **49** | **49(1)(a)-(b)**-Questions were raised on the following-<br>-What resources do the Financial Secretary have in terms of staffing?<br>-Why must the regional plan be recommended by the Minister?<br>-Will funding be withheld if a Corporation disapproves of the regional plan as recommended by the Minister?<br>-Are the concerns and suggestions of workers considered in the regional plan?<br><br>**49(2) and (3)**-Questions were raised on the steps for approving the work plan. | **49(1), (2) and (3)**- Deferred pending submission of recommendations from Opposition Members. |
| **50** | **50(1)**-It was suggested that "**one week**" be changed to "**one month**." This suggestion was not approved.<br><br>**50(2)**-Questions were raised as to why the Minister of Finance as opposed to the Minister of Local Government is the one responsible for the preparation of draft estimates. | **50(1)**- Approved.<br><br>**50(2)**- Approved. |
| **51** | **51(1) and (2)**- It was suggested expenditures for emergencies are not taken into consideration | **51(1) and (2)**- Approved. |
| **52** | **52(a) and (b)**- Issues were raised on the following-<br>-Unexpended moneys and its retention in the Corporation fund<br>Untimely allocations from the central Government. | **52(a) and (b)**- Deferred. |
| **53** | **53**- Issues were raised on the following-<br>-Would term loans take overdrafts into consideration?<br>-What checks and balances are in place with regards to borrowing?<br>-Include after the word "**may"** the words "**with the approval of the Corporation**." | **53**- Approved pending amendment, but all questions are deferred to the Ministry of Finance. |
| **54** | **54**- It was suggested that the Clause explicitly state that the accounts will be subject to audit by the Auditor General. | **54**- Deferred. Referred to the Ministry of Finance. |

| | | |
|---|---|---|
| **55** | **55**- None | **55**- Approved. |
| **56** | **56(1)**- Questions were raised on the following-<br>-To whom is the appeal to be made?<br>-Why fourteen days?<br><br>**56(2)**-None<br><br>**56(3)**- Questions were raised on the following-<br>-Can a lesser sum be recovered?<br>-What are the responsibilities of the Chief Executive Officer?<br>Conflict of interest in terms of recovery of payments<br><br>**56(4)-(6)**- Members had several questions for which the advice of personnel from the Ministry of Finance were required. | **56(1)**- Deferred.<br>Referred to CPC.<br><br><br>**56(2)**- Approved.<br><br>**56(3)**- Deferred.<br>Referred to CPC<br><br><br><br><br>**56(4)-(6)**- Deferred.<br>Referred to the Ministry of Finance. |
| **57** | **57**-Issues were raised on the following-<br>-Financial Rules should be subject to an affirmative resolution of parliament. | **57**- Deferred. |
| **58** | **58**-Questions were raised on the following-<br>-Who has the power to sue?<br>-What are the legal implications in court?<br>-Is this Clause necessary? | **58**-Deferred. Referred to CPC. |
| **59** | **59 (1)**- Questions were raised on the necessity of the President's approval.<br><br>**59(2)**- Questions were raised on the following-<br>-What is meaning of "**public purposes**" as stated in the sub-clause?<br>-Does this include recreational grounds?<br>-What are the criteria for acquiring lands?<br><br>**59(3)**- Questions were raised on the necessity of the President's approval.<br>**59(4)**- None<br><br>**59(5)**- None<br><br>It was suggested that a new Clause be included before Clause 60 to make provision for the signature of checks and receipts. | **59(1)**- Approved.<br><br>**59(2)**- Approved.<br><br><br><br><br><br>**59(3)**- Approved.<br><br>**59(4)**- Approved.<br><br>**59(5)**- Approved. |

4.4 The Officials were excused from the meeting.

**OTHER BUSINESS**

5.1 Discussions ensued on the approaching Budget Presentation and Debate and the possibility of the Committee being able to meet during this period.

**ADJOURNMENT**

6.1 The Committee agreed to adjourn its meeting to ***Tuesday September 08, 2009 at 10:00am.***

6.2 The adjournment was taken at 6:41 p.m.

Sgd.

Chairman

Sgd.

Secretary

**September 02, 2009**

MINUTES OF THE 6th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON TUESDAY SEPTEMBER 8, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Vice Chairman |
| Ms. Pennelope Beckles | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mrs. Hazel Manning | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| | | |
| Ms. Jacqui Sampson | - | Clerk of the House |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Verna Johnson | - | Deputy Permanent Secretary |
| Mr. Stephen Creese | - | Deputy Permanent Secretary |
| Patricia Boyce-De Peza | - | Director Human Resources |
| Rodney Ramlogan | - | Manager, Regional Planning |
| Cornelius Price | - | Decentralization Coordinator |
| Mr. Godwyn Richardson | - | Financial Director |
| Hugh Robertson | - | Consultant |
| Ian Mc Intyre | - | Legal Consultant |

**COMMENCEMENT**

1.8 The Chairman called the meeting to order at 10:02 a.m. and welcomed all Members present.

1.9 The Chairman indicated that Mr. Wade Mark, Mr. Subhas Panday and Mr. Chandresh Sharma would be absent from the day's meeting.

**MINUTES- August 26, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes. There were no corrections.

2.2 The motion for the confirmation of the Minutes was moved by Mrs. Manning and seconded by Dr. Dick-Forde.

2.3 The Minutes were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 On the matter of the election of a Vice Chairman, the Chairman ruled that, having looked at the relevant Standing Orders and having sought additional advice, the election of a Vice-Chairman by a Joint Select Committee was not invalid and did not invalidate the work of the Committee. However he added that to resolve any conflict the person elected to serve in the absence of the Chairman on each occasions (albeit the same person) will be referred to as "*the Chairman for the day in the absence of the Chairman.*"

3.2 Mrs. Oudit placed on record her concerns that several comments that she had made at the last meeting were not captured in the Hansard report. In response, Ms. Beckles reminded Members that when several of them spoke concurrently (cross-discussion), the reporter would be unable to capture all the points being made.

3.3 Professor Deosaran took the opportunity to explain that his absence from the last meeting was due to him being overseas.

3.4 The Draft Newspaper advertisement inviting written submissions was circulated. The Draft was approved by the Committee with amendments.

3.5 The Chairman informed Members that although technical assistance had been sought from the Ministry of Finance, no representatives would be available for the day's meeting. It was agreed that a written submission would be made to the Ministry outlining the issues raised in Part VI, so that the technical staff would be prepared for the next meeting.

**CONSIDERATION OF THE BILL**

4.1 The Committee invited the technical staff from the Ministry of Local Government to join the meeting.

4.2 The Committee continued its examination of the Bill from Clause 60 and after considerable discussions, the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| **60** | **60 (1)-** Why should the PS appoint the CEO?<br><br>Insert " ***and after consultation with the Mayor*** " after "**Minister**" | Approved as amended |
| **Clause No.** | **Issues raised** | **Decision** |
| **60** | **60 (2)-** New provision which makes the CEO and | Approved |

| | | |
|---|---|---|
| | Accounting Officer - personal liability | |
| **61** | **61-** What is the process for appointing Heads of Depts?<br><br>Insert at end ***"and shall be approved by the Permanent Secretary."*** | Approved as amended |
| **62** | **None** | Approved |
| **63** | What is the process for the choosing of other staff by the PS?<br>Should this be done in consultation?<br>Wording not precise | Referred to CPC |
| **64** | **None** | Approved |
| **65-78** | Discussions are at present taking place on restructuring of the Municipal Police Service | Deferred until completion of discussions |
| **79** | **79 (1)**- Change of name to current name "***Trinidad and Tobago Association of Local Government Authorities***"<br><br>**79(2)-** Insert after "**promote**" the following words "***international, regional and local best practices in***"<br><br>**79(2)-** Insert after "**bodies**" the following words "***in consultation with the Minister"***<br><br>**79(2)-(a)-(c) None**<br><br>**79(2)-(d)-** Delete ***"harmonise and"***<br><br>**79(2)-(e)** Delete<br><br>**79(2)-(f)** None<br><br>Insert a new (f) to read as follows: "***to prepare and submit annual financial and administrative reports to the Ministry within three months of the end of the financial year***". | Approved as amended<br><br>Approved as amended<br><br>Approved as amended<br><br>Approved<br><br>Approved as amended<br><br>Deleted<br><br>Approved and re-lettered (e)<br><br>Approved as amended |
| **80** | **80(1)- None**<br>**80(2)- None**<br>**80(3)-** Should the Corporation or the Ministry pay the subscription and should it be mandatory**?**<br>Replace "**may**" with "**shall.**" | Approved<br>Approved<br>Deferred |
| **Clause No.** | **Issues raised** | **Decision** |
| **80(cont'd)** | **80(4)-**Delete ***"public"***<br>Delete ***"may be assigned to it or such persons who"***<br>Insert after **"officers"** the following words | Approved as amended |

| | | |
|---|---|---|
| | ***"appointed on contract."***<br>**80(5)- None** | Approved |
| **81** | **None** | Approved |
| **82** | **82(1)-** New Provision- How were Districts arrived at? – Based on population, access roads and other considerations<br>**82(2)-** None | Approved<br><br><br>Approved |
| **83** | **83(1)-** Insert **"*s*"** at the end of Association in part (e)<br>Is the Coordinating Committee merely advisory?<br>**83(2)- None** | Approved as amended<br><br>Approved |
| **84** | **None** | Approved |
| **85** | **85(1)- None**<br>**85(2)- None**<br>**85(3)-** What are the consequences/ sanctions for non appearance when summoned?<br>Can sanctions be applied somewhere?<br>Addition to Schedule 9 of a responsibility to deal with complaints<br>**85(4)- None**<br>**85(5)-** What would happen where issues crossed boundaries? | Approved<br>Approved<br>Referred to CPC<br><br><br><br><br>Approved<br>Referred to CPC |

*(The meeting was suspended for lunch.)*

4.3 The Committee continued its examination of the Bill from Clause 86 and after discussions, the following decisions were taken:

| Clause No. | Issues raised | Decision |
|---|---|---|
| **86-91** | **None** | Approved |
| **92** | **92(1)-(4)- None**<br>**92(5)-** Why is the form of the warrant not defined? | Approved<br>Approved |
| **93** | **93(1)-(3)- None**<br>**93(4)-** Substitute **"*one*"** before "***newspaper***" with ***"two"***<br>**93(5)-(6)- None**<br>**93(7)-** Why is there no quorum indicated as in the present Act? | Approved<br>Approved as amended<br>Approved<br>Approved<br>Approved |
| **Clause No.** | **Issues raised** | **Decision** |
| **93** | **93(7)-** What is the role of the Minister in making the By Laws?<br>How does Clause 93 interact with the Ministry of Works Traffic Management rules? | Approved |
| **94** | **None** | Approved |
| **95** | **95(1)- None** | Approved |

| | | |
|---|---|---|
| | **95(2)-** Insert "***and in at least two newspapers***" after "***Gazette***"<br>**95(3)- None** | Approved as amended<br><br>Approved |
| **96-98** | **None** | Approved |
| **99** | What power is being conferred? | Approved |
| **100** | **100(1)-** is this provision progressive?<br>**100(2)-** None | Approved<br>Approved |
| **101** | **101-** Who defines inequitable? | Approved |
| **102** | **None** | Approved |
| **103** | **103(1)- None**<br>**103(2)-** Replace "***five***" with "***twenty***"<br>**103(3)- None** | Approved<br>Approved as amended<br>Approved |
| **104** | **None** | Approved |
| **105** | What provisions exist for dealing with vacant lots and how is it operationalised?<br>Can tax related penalties be instituted? | To be referred to Ministry of Finance |
| **106-109** | **None** | Approved |
| **110** | Insert "***and in at least two newspapers***" after "***Gazette***" | Approved as amended |
| **111** | **111(1)-** Insert "***and in at least two newspapers***" after "***Gazette***"<br>**111(2)-** None<br>**111(3)-** Insert "***and in at least two newspapers***" after "***Gazette***"<br>**111(4)-(6)** Same as 271 of present Act | Approved as amended<br><br>Approved<br>Approved as amended<br><br>Approved |
| **112** | **112(1)-** Are poultry depots, packing houses etc., covered?<br><br>**112(2)-(3)-None** | Approved pending further information on health issues.<br><br>Approved |
| **113** | **None** | Approved |
| **114-115** | Discussions ongoing with Trade Unions | Deferred |
| **116** | **None** | Approved |
| **Schedule 1** | Replace "***an***" before "***Councillor***" with "***as***" | Approved |
| **Schedule 2** | **None** | Approved |
| **Schedule 3** | **None** | Approved |
| **Schedule 4** | **None** | Approved |
| **Schedule 5** | **None** | Approved |
| **Schedule 6** | **None** | Approved |
| **Schedule 7** | **None** | Approved |
| **Clause No.** | **Issues raised** | **Decision** |
| **Schedule 8** | Responsibilities too narrowly defined should include ***"and other related responsibilities"*** | Approved as amended |
| **Schedule 9** | Add a provision to deal with complaints | Approved as amended |
| **Schedule 10** | **References to Municipal Police will need to be made consistent with amendments** | Approved |
| **Clause 3-revisited** | Definition of Mayor | Approved as defined |
| **Clause 37-revisited** | Terms **"ordinary", "statutory"** and **"special"** not clear | Referred to CPC for further clarification at next meeting |

4.4 The Chairman thanked the Officials and they left the meeting.

**OTHER BUSINESS**

5.1 The Committee discussed when it should next meet.

**ADJOURNMENT**

6.1 The Committee agreed to adjourn its meeting to ***Friday September 18, 2009 at 10:00am.***

6.2 The adjournment was taken at 2:11 p.m.

Sgd.

Chairman

Sgd.

Secretary

**September 10, 2009**

MINUTES OF THE 7th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON FRIDAY SEPTEMBER 18, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mr. Anthony Roberts | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Mr. Jerry Narace | - | Member |
| | | |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Miss Aleah Ranjitsingh | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Subhas Panday | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Mr. Godwyn Richardson | - | Financial Director |
| Mr. Ian Mac Intyre | - | Legal Consultant |
| Ms. Annalene Innis | - | Senior Legal Counsel |

**REPRESENTATIVES OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ms. Ida Mariana Eversley | - | Ag. Chief Parliamentary Counsel |

**REPRESENTATIVES OF THE MINISTRY OF FINANCE**

| | | |
|---|---|---|
| Mr. Maurice Suite | - | Permanent Secretary |
| Mr. Roland Shepherd | - | Comptroller of Accounts |
| Ms. Shelley Collymore | - | Treasury Solicitor |
| Ms. Catherine Laban | - | Ag. Treasury Director |
| Ms. Naliesha Bally | - | Treasury Accountant I |

**COMMENCEMENT**

1.10 The Chairman called the meeting to order at 10:10 a.m. and welcomed all Members present.

1.11 The Chairman indicated that Mr. Subhas Panday would be absent from the day's meeting.

**MINUTES- September 08, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes. The following correction was made:

**Page 2 Paragraph 3.1**- Insert "*Ms. Kangaloo also made the point that the issues raised by Mrs. Oudit were addressed at pages 10, 11 and 12 of the relevant Hansard Report.*"

2.2 The motion for the confirmation of the Minutes was moved by Ms. Beckles and seconded by Mrs. Manning.

2.3 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Committee was informed that the newspaper advertisement inviting written submissions had appeared in the Guardian and Newsday on Wednesday September 16, 2009 and would be in the Guardian, Newsday and Express on Sunday September 20,2009. The deadline date for receiving submissions would be October 07, 2009.

3.2 Members were advised that representatives of the Ministry of Finance were present for the meeting. It was agreed that the Committee would commence consideration of the Bill at Part VI.

**CONSIDERATION OF THE BILL**

4.1 The Committee invited the technical staff from the Ministries of Finance, Local Government and the Office of the Chief Parliamentary Counsel to join the meeting. Introductions were made all around.

4.2 The officials from the Ministry of Finance were asked for general comments on the financial proposals contained in Part VI of the Bill.

4.3 Mr. Maurice Suite pointed to what were inconsistencies and contradictions in the use of the terms "*surplus funds*" and "*unspent balances*". He also commented on what appeared to be a "functionary" role ascribed to the Auditor General, which could be performed by check staff officers.

4.4 The Committee continued its examination of the Bill at Part VI, Clause 43. The following decisions were taken:

| Revisited Clause No. | Issues raised | Decision |
|---|---|---|
| **44(2)(c)** | A lengthy discussion ensued on what rules were to be applied for investments and the acceptance of grants.<br><br>Add at the end" ***as approved by the Minister of Finance***"<br><br>It was generally agreed that this should be in concert with the rules applied to public moneys at central government level. | Further deferred.<br>CPC would look at drafting a "**powers**" clause. |
| **44(2) (d)** | Do Corporations have the authority to dispose of property, assets etc.,?<br><br>Presently the Board of Survey process is used but new approach will look at disposal in relation to the procurement process. Guidelines are needed.<br><br>It was noted that being a "body corporate" would give the Corporation authority to sell. Clause 113 addresses transfer of powers concerns. | Approved subject to "**powers"** clause. |
| **44(2) (e)** | | Approved subject to "**powers"** clause |
| **44(2) (f)** | | Approved subject to "**powers"** clause |
| **44 (3)** | Insert after account "***among other things***" | Approved as amended |
| **44 (3)(a)-(e)** | | Approved |
| **44 (3)(f)** | Revenue Authority not yet established | Deleted |
| **45** | Delete words after " ***approve***" | Approved as amended |
| **46(1)(d)** | Add "***as set out in Schedules 5 and 8***" | Approved as amended |
| **46(1)(h)** | No Corporation is responsible for the Queen's Park Savannah | Revert to words used in Clause 112(1)(e) of the Original Act. |
| **46(2)(a)-(b)** | Surplus is seen as an incentive therefore limits should not be placed on it. | Approved |
| **46(2)(c)** | Replace "***inhabitants"*** with "***residents***" | Approved as amended |
| **47** | | Approved |
| **48** | **48(1)**- Amend to state- "***A Corporation may by resolution establish a foundation for such specific purpose or purposes as specified in the resolution."***<br>Drafting needs to be succinct.<br><br>**48(2)**- Guidelines to be drafted to avoid fraudulent activities. | Approved as amended<br><br>**48(2)**-Approved.<br><br>Approved. |

| | | |
|---|---|---|
| | **48(3), 48(4)** | |
| **50** | **50(1), 50(2)**-Options for late submissions should not be legislated. | Deleted |
| **52** | Sums are to be used for continuation of operations not for capital investment. | Referred to CPC and Ministry of Finance for re-wording. |
| **53** | The role of the CEO and the resolution of Council should to be clearly stated. | Further deferred. To be re-worded/ compared to provisions of other legislation. |
| **54** | Clause states that accounts are subject to audit by the Auditor General. | Approved |
| **56** | Given the present arrangements, the clause is no longer necessary. Functions can be carried out by Internal Audit. | Deleted |
| **57** | Finance is looking at new standards of accounting along commercial lines, therefore regulations being laid in Parliament may not be necessary. | Referred to CPC and Ministry of Finance |
| **58** | Need to check vesting of powers. | Referred to CPC for clarification. |
| **59(6)?** | Issues of check signatories etc., would be addressed in new system of commercial accounting. | No need for new sub clause |
| **105** | No immediate option available for penalties on ill-kept /vacant lots | Ministry of Local Government to look into this matter. |

*(The meeting was suspended for lunch)*

4.3 The Chairman thanked those present for their patience, and indicated that the Committee would not be able to achieve a quorum to resume the post lunch consideration of the Bill.

**ADJOURNMENT**

5.1 The Chairman adjourned the meeting to ***Wednesday September 30, 2009 at 10:00am.***

5.2 The adjournment was taken at 2:40 p.m.

Sgd.

Chairman

Sgd.

Secretary

**September 22, 2009**

MINUTES OF THE 8th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY OCTOBER 28, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mrs. Hazel Manning | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Mr. Avinash Sarran-Persad | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Mr. Godwyn Richardson | - | Financial Director |
| Jameel Mohammed | - | Technical Officer |
| Ms. Annalene Innis | - | Senior Legal Counsel |
| Mr. Hugh Robertson | - | Local Government Reform Legislation Consultant |
| Ms. Doreen Lewis | - | Ag. Dir., Municipal Corps. Relations |
| Ms. Camille Forde | - | Ag. Senior Planning Officer |

**REPRESENTATIVES OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ms. Angela Moore | - | Parliamentary Counsel |

**COMMENCEMENT**

1.12 The Chairman called the meeting to order at 1:40 p.m. and welcomed all Members present.

1.13 The Chairman indicated that Mr. Subhas Panday and Mr. Anthony Roberts would be absent from the day's meeting.

**CONFIRMATION OF MINUTES- September 18, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes.

2.2 There being no corrections, the motion for the confirmation of the Minutes was moved by Mr. Narace and seconded by Dr. Dick-Forde.

2.3 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Chairman informed Members that subsequent to the last meeting, correspondence was received by the Secretary asking that all Opposition members be excused from that meeting because they were preparing for the budget debate.

3.2 Mrs. Oudit asked that the records reflect that although she was present at the commencement of the meeting of September 8, 2009 she had left shortly thereafter.

3.3 The Committee was informed that a total of nineteen submissions had been received in response to the invitation for submissions. Seventeen of these were previously forwarded to Members. An additional two, from Mr. Ishmael Samad and Mr. Jack Warner, MP were circulated at the commencement of the meeting.

3.4 On enquiry, Members were informed that, although the correspondence did not reflect it, the submission from Mr. Warner was directed to the Minister of Local Government, and this was subsequently forwarded to the Clerk of the Senate.

3.5 The Chairman informed Members that an Interim Report, requesting a four week extension for the submission of a final report, was laid in the Senate on October 20, 2009, and in the House of Representatives on October 21, 2009. The new deadline for reporting to the Parliament would be November 13, 2009.

3.6 Mr. Sharma enquired when the Committee would be inviting stakeholders to a meeting to receive oral submissions. Mrs. Oudit added that there seemed to be hesitance on the part of some Members to do this. After further discussion and reference to previous Minutes, the Chairman reiterated that stakeholders would be invited, if necessary, for clarification of submissions or other matters which remain unresolved by the Committee.

**CONSIDERATION OF THE BILL**

4.1 Officials from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel were invited to join the meeting.

4.2 The Committee proceeded to discuss the issues related to the deferral of Clause 5. The view was expressed that the rationale given for the decrease in the number of municipalities was not satisfactory and that more information should to be provided. Consensus was not reached on this point.

4.3 Mr. Sharma, Mr. Mark and Mrs. Oudit excused themselves from the meeting.

4.4 The question was raised whether any of the written submissions had expressed concerns with Clause 5.

4.3 After some discussion, it was agreed that it would be necessary to study the written submissions before proceeding further with consideration of the deferred clauses. The Officials from the Ministry of Local Government were asked to assist in this exercise and to have comments prepared prior to the next meeting of the Committee.

4.4 Dr. Dick-Forde asked that the records reflect that even though Opposition members were not present, the Committee was diligent in its consideration of each clause with the assistance of technical staff and that the process was not a "rush job".

4.5 Ministry Officials updated the Committee that with regard to the Municipal Police arrangements (covered in Part VIII- clauses 65-78) a Note recommending the integration of these officers into the Police Service under the ambit of the Commissioner of Police, would be forwarded to Cabinet by the next week.

4.6 As well, a Note regarding the recommendations for the treatment of daily and monthly paid staff would be submitted to Cabinet the next day.

4.7 The Officials also recommended that, on the matter of the non-establishment of the Revenue Authority, the words "*the body responsible for the collection of revenue*" should be substituted.

**OTHER BUSINESS**

5.1 Having regard to the deadline for reporting to the Parliament, Members agreed to schedule meetings for Wednesday November 04, 2009 at 1 p.m. and Thursday November 05, 2009 at 2 p.m.

**ADJOURNMENT**

6.1 The Chairman adjourned the meeting to ***Wednesday November 04, 2009 at 1:00p.m.***

6.2 The adjournment was taken at 2:40 p.m.

Sgd.

Chairman

Sgd.

Secretary

**October 29, 2009**

MINUTES OF THE 9th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
***"THE LOCAL GOVERNMENT BILL, 2009"***
HELD ON WEDNESDAY NOVEMBER 04, 2009 IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mr. Jerry Narace | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Mr. Avinash Sarran-Persad | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Anthony Roberts | - | Member |
| Mr. Subhas Panday | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Prof. Ramesh Deosaran | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Mr. Godwyn Richardson | - | Financial Director |
| Ms. Annalene Innis | - | Senior Legal Counsel |
| Mr. Hugh Robertson | - | Local Government Reform Legislation Consultant |
| Ms. Camille Forde | - | Ag. Senior Planning Officer |

**REPRESENTATIVES OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Mr. Glen Mahabir | - | Parliamentary Counsel |

**<u>COMMENCEMENT</u>**

1.14 The Chairman called the meeting to order at 1:15 p.m. and welcomed all Members present.

1.15 The Chairman indicated that Mr. Subhas Panday, Mr. Anthony Roberts, Professor Ramesh Deosaran and Dr. Emily Dick-Forde would be absent from the day's meeting.

1.16 Mr. Sharma asked leave to make some comments prior to the consideration of the Minutes. Mr. Sharma commented in his dissatisfaction with the conduct of meetings and the response of the Chair with regard to certain matters. He stated that this approach was a departure from common practice.

1.17 Mr. Mark commented that greater effort should be made by the Chair to be more democratic, and although the Committee had a deadline in which to fulfill its mandate, Members concerns should not be dismissed.

1.18 Ms. Kangaloo stated that what was being expressed was not her perception of what had occurred at previous meetings. She said that the Hansard would show that there was full participation among all members and at most meetings Mr. Sharma and Mr. Mark dominated most of the discussions. She indicated her support for the Chairman.

**CONFIRMATION OF MINUTES- October 28, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes.

2.2 The following corrections were made:

> **Page 2 Paragraph 3.4** - should read- "*On enquiry, Members were informed that, the cover letter from Mr. Warner was omitted from the correspondence which was circulated. This letter was directed to the Minister of Local Government, and subsequently forwarded to the Clerk of the Senate.*"
>
> **Page 3 Paragraph 5.1-**should read "*Thursday November 12, 2009*"

2.3 The motion for the confirmation of the Minutes was moved by Mr. Narace and seconded by Ms. Beckles.

2.4 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 On the matter of inviting interest groups to meet with the Committee, Mr. Sharma asked for a commitment from the Chair that this would be done.

3.2 In response, the Chairman informed the Committee that he has received correspondence from Mrs. Oudit indicating a similar concern. Copies of the letter were circulated to Members while the Chairman highlighted key points.

3.3 The Chairman advised that after the Committee had reviewed the submissions received, a decision would be taken on with whom they would wish to meet.

3.4 The point was made that a quantum of information had been submitted by the Ministry of Local Government from its consultation process, and this along with those received from the Committee's public advertisement should represent the majority of interested persons. It was also noted that there would be no justification for the Committee to selectively call persons who had not voluntarily made a submission.

3.5 Mr. Mark sought clarification on the Cabinet note regarding arrangements for the transitioning of daily and monthly paid staff to the new local government structure. He expressed his apprehension that the Bill was still before the Committee and yet such decisions were being made by Cabinet.

3.6 Mrs. Manning advised the Committee that several improvements to the local government system were taking place that did not require new legislation. These efforts at modernization required the engagement of the Trade Unions.

3.7 Mrs. Oudit enquired whether the Project Management Board being used in the modernization process was the one recommended in the Draft White Paper. It was explained that this was not so.

**CONSIDERATION OF THE BILL**

4.1 Officials from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel were invited to join the meeting.

4.2 The Permanent Secretary gave a brief presentation related to two summary documents that were compiled by the Ministry of Local Government on the request of the Committee. Members were advised that many of the submissions reflected issues previously raised during consultations. The summary and analysis documents covered approximately 80% of the material received.

4.3 Members agreed that a complete summary of all submissions was necessary before considering the documents. The Ministry Officials were also asked to prepare a summary relating all comments of each submission to the relevant clauses.

4.4 The Committee agreed that at the next meeting, after a review of the summary documents, a decision would be taken on persons to be called for further clarification.

4.5 The Officials were asked to be prepared to make recommendations to all the deferred matters at the next meeting.

4.6 The Chairman advised the Committee of his intent to conclude the consideration of the Bill within three succeeding meetings. The Opposition members asked to be disassociated from that timeline.

4.7 The Chairman thanked the Officials from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel for their attendance and assistance.

**ADJOURNMENT**

5.1 The Chairman adjourned the meeting to ***Thursday November 12, 2009 at 2:00p.m.***

5.2 The adjournment was taken at 3:15 p.m.

Sgd.

Chairman

Sgd.

Secretary

**November 06, 2009**

MINUTES OF THE 10th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
"THE LOCAL GOVERNMENT BILL, 2009"
HELD ON **THURSDAY NOVEMBER 12, 2009** IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Mrs. Hazel Manning | - | Member |
| Mr. Jerry Narace | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |

| | | |
|---|---|---|
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Mr. Avinash Sarran-Persad | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Subhas Panday | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Ms. Pennelope Beckles | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Ms. Stephen Creese | - | Deputy Permanent Secretary |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Mr. Godwyn Richardson | - | Financial Director |
| Ms. Annalene Innis | - | Senior Legal Counsel |
| Mr. Hugh Robertson | - | Local Government Reform Legislation Consultant |

**REPRESENTATIVES OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ms. Ida M. Eversley | - | Assistant Chief Parliamentary Counsel |
| Mr. Glen Mahabir | - | Parliamentary Counsel |

**COMMENCEMENT**

1.1 The Chairman called the meeting to order at 2:25 p.m. and welcomed all Members present.

1.2 The Chairman indicated that Mr. Subhas Panday, Professor Ramesh Deosaran and Mr. Jerry Narace had asked to be excused from the day's meeting.

1.3 Mr. Mark commented that he was disappointed at the late start to the meeting. He indicated that he had another commitment at 4:30p.m., and so he would be leaving at 3:30p.m.

**CONFIRMATION OF MINUTES- November 04, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes.

2.2 The following corrections were made:

**Page 2 Paragraph 1.3** – replace "*dissatisfaction*" with "*concern*".
**Page 2 Paragraph 3.1**– add at the end "with particular respect to persons who had not made submissions to the Committee.

2.3 The motion for the confirmation of the Minutes was moved by Mrs. Manning and seconded by Ms. Kangaloo.

2.4 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 With reference to paragraph 3.7, Mrs. Oudit drew the attention of the Committee to page 41 of the Draft White Paper on Local Government Reform, and indicated that the response given by the Minister of Local Government at the previous meeting was incorrect. This was acknowledged by Members.

3.2 Mr. Mark indicated that he was still not satisfied with the answer he received at the last meeting regarding the treatment of staff. He proffered that this would be a good reason to invite the trade unions to meet with the Committee.

3.3 With reference to paragraph 4.2, Mr. Sharma presented the view that it was procedurally incorrect to ask for the input of the Ministry of Local Government in the creation of a summary document. He suggested that independent professionals be sourced by the Parliament to review the submissions. Mr. Mark indicated his support of the request.

3.4 The Committee rejected this suggestion on a vote of 4-3.

3.5 Mr. Mark suggested that the services of the technical team from the Ministry of Local Government was not longer necessary and for further consideration of the Bill, only the representatives from the Office of the Chief Parliamentary Counsel should be invited.

*(Mr. Narace joined the meeting)*

3.6 Mr. Mark and Mr. Sharma excused themselves from the meeting.

**CONSIDERATION OF THE SUMMARY OF SUBMISSIONS**

4.1 Officials from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel were invited to join the meeting. The Chairman thanked the Ministry officials for the work done in the preparation of summary submissions.

4.2 The Committee considered the summary of submissions and the following decisions were taken:

| Clause No. | Decision |
|---|---|
| 5 | **To maintain the original form of the clause.**<br>Division: For- 4 Against-1 |
| 9 | **To maintain the original form of the clause.**<br>Division: For- 5 Against-1 |
| 10 | **To maintain the original form of the clause.**<br>Division: For- 5 Against-1 |
| 15(1)(b) | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| 16 | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| 17 | **To amend the clause by replacing "**a subsequent council**" with "**subsequent councils**".**<br>Division: For- 6 (unanimous) |
| 25(1) | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| 25(3) | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| 26(1) | **To amend the clause by deleting "**Executive"<br><br>**To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| 28(2) | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| 26(1) | **To rescind previous decision on this clause.**<br>Division: For- 4 Abstain-1<br>**To re-insert "**Executive"<br>Division: For- 4 Abstain-1 |
| **Clause No.** | **Decision** |
| 29(6) | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |

| | |
|---|---|
| **29(8)** | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| **44(3)** | **To maintain the original form of the clause.**<br>Division: For- 5 Abstain-1 |
| **46(2)** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **51(1)** | **To maintain the original form of the clause.**<br>Division: For- 4 Against-1 |
| **52(a)& (b)** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **53(a)** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **59(4)** | **To maintain the original form of the clause.**<br>Division: For- 5 (unanimous) |
| **60(1)** | **To maintain the original form of the clause.**<br>Division: For- 4 Against-1 |
| **64** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **65** | **To defer consideration**<br>Division: For- 5 Abstain-1 |
| **79(1)** | **To maintain the original form of the clause.**<br>Division: For- 5 (unanimous) |
| **82/83** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **111(3)** | **To maintain the original form of the clause.**<br>Division: For- 4 Abstain-1 |
| **114** | **To delete 114(a)**<br>Division: For- 4 Against-1 |
| **Schedule 5** | **To maintain the original form of the Schedule.**<br>Division: For- 4 Abstain-1 |

4.3 Mrs. Oudit indicated that the Opposition members of the Committee intended to prepare a minority report.

4.4 The Officials were thanked for their attendance and excused from the meeting.

**OTHER BUSINESS**

5.1 The Chairman informed Members that Ms. Beckles had called and indicated her inability to attend the meeting.

5.2 Members considered the names submitted by Mr. Mark as persons that could be invited to meet with the Committee.

5.3 The proposals to invite Trevor Hamilton and Associates and Professor John Spence were not agreed to by votes of 4-1.

5.4 It was unanimously agreed, by a vote of 5-0, that Mrs. Sheila Solomon, a local government activist, would be invited to the next meeting of the Committee.

**ADJOURNMENT**

6.1 The Chairman adjourned the meeting to ***Wednesday November 18, 2009 at 11:00a.m.***

6.2 The adjournment was taken at 6:53 p.m.

Sgd.

Chairman

Sgd.

Secretary

**November 13, 2009**

MINUTES OF THE 11th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
"THE LOCAL GOVERNMENT BILL, 2009"
HELD ON **WEDNESDAY NOVEMBER 18, 2009** IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Mrs. Hazel Manning | - | Member |
| Mr. Jerry Narace | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Ms. Khisha Peterkin | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Ms. Christine Kangaloo | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Subhas Panday | - | Member |
| Mrs. Lyndira Oudit | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Mr. Godwyn Richardson | - | Financial Director |
| Ms. Doreen Lewis | - | DMCR(Ag.) |
| Ms. Annalene Innis | - | Senior Legal Counsel |
| Mr. Hugh Robertson | - | Local Government Reform Legislation Consultant |

**REPRESENTATIVES OF THE OFFICE OF THE CHIEF PARLIAMENTARY COUNSEL**

| | | |
|---|---|---|
| Ms. Angela Moore | - | Parliamentary Counsel |
| Ms. Sharmaine Williams | - | Parliamentary Counsel |

**COMMENCEMENT**

1.1 The Chairman called the meeting to order at 1:22 p.m. and welcomed all Members present.

1.2 The Chairman indicated that Ms. Kangaloo, Mr. Sharma and Mrs. Oudit would be absent from the day's meeting, and Mr. Panday was in an adjacent room attending another meeting.

**CONFIRMATION OF MINUTES- November 12, 2009**

2.1 The Chairman enquired whether there were any corrections to the Minutes.

2.2 With reference to Paragraph 3.1, the Minister of Local Government indicated that the statement made was incorrect since she had clarified the matter. **Paragraph 3.1** should therefore read "*With reference to paragraph 3.7, Mrs. Oudit drew the attention of the Committee to page 41 of the Draft White Paper on Local Government Reform, and sought clarification on the response given by the Minister of Local Government at the previous meeting was incorrect. This matter was clarified.*"

2.3 At Paragraph 3.5, substitute the word "*not*" in the second line with "*no*".

2.4 A new paragraph 3.6 should be inserted to read, "*The Committee rejected this suggestion.*" and the other paragraphs renumbered accordingly.

2.5 The motion for the confirmation of the Minutes was moved by Dr. Dick-Forde and seconded by Mrs. Manning.

2.6 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

3.1 The Chairman informed Members that as, previously agreed, Mrs. Solomon had been contacted and invited to the day's meeting but was unable to attend. The Committee agreed to invite her to the next meeting.

3.2 It was noted that acknowledgements were not sent to those persons who made submissions to the Committee. The Secretary was directed to do so.

3.3 Mr. Mark raised the question of live broadcast of the proceedings of the Committee. The Committee rejected this proposal on a vote of 5-1.

**CONSIDERATION OF THE DEFERRED CLAUSES OF THE BILL**

4.1 The Chairman laid out the process for the consideration of the deferred clauses, indicating once clarifications or explanations were received from the Officials, a decision would be taken by vote on the approval of each clause.

4.2 Mr. Mark voiced the opinion that dependence on the views of the technical staff was a one-sided approach.

4.3 Dr. Dick Forde countered this view by stating that the technical staff was present, not to make decisions for the Committee, but to offer opinions which could be accepted or rejected.

4.4 Officials from the Ministry of Local Government and the Office of the Chief Parliamentary Counsel were invited to join the meeting.

4.5 The Committee considered the deferred clauses of the Bill as follows:

| Clause No. | Issues | Decision |
|---|---|---|
| **5** | The Committee was informed that the Boundaries documents on which the recommendations to reduce the Municipalities to 12 was based, was prepared by the Ministry of Public Administration. | **Deferred,** pending meeting with the Minister and Representatives of the Ministry of Public Administration. |
| **6 (1) (f)** | Also related to Clause 5 | **Deferred,** pending meeting with Minister and Representatives of the Ministry of Public Administration. |
| **7 (1)(a)** | | **Approved** on a decision of 4 in favor and 1 abstention. |
| **9** | | **Approved** |

*(Ms. Beckles joined the meeting)*

4.6 Mr. Mark asked the Committee to re-visit its decision not to invite persons who had made written submissions to appear before the Committee. After some discussion, it was agreed that the initial policy should remain. Therefore, the Committee rescinded its decision to invite Ms. Solomon to appear and directed that she should be asked to make a written submission.

4.7 The Committee continues its consideration of deferred clauses as follows:

| Clause No. | Issues | Decision |
|---|---|---|
| **10** | | **Approved** |
| **11** | | **Approved** |
| **14** | | **Approved** |
| **15(i)(c)** | Amended to "***is able to read and speak English."*** | **Approved as amended** |

*(Mr. Mark excused himself from the meeting)*

| Clause No. | Issues | Decision |
|---|---|---|
| **15 (4) (h)** | What is the process for removal and appeal? Compare to constitutional provisions for removal of an MP. | **Deferred for further consideration by CPC** |
| **17** | | **Approved** |
| **19(d)** | Still to be re-drafted by CPC | **Deferred for re-drafting** |
| **Clause No.** | **Issues** | **Decision** |
| **20** | Amended- insert "**ordinary**" before "meeting" | **Approved as amended** |
| **21(4)** | | **Approved** |

| | | |
|---|---|---|
| **23(2)** | There should be an Audit committee as part of the Committee system | **Deferred for re-drafting by CPC** |
| **25** | Municipal Police to be placed under control of Commissioner of Police | **Deferred pending Cabinet decision.** |
| **26(1)** | Suggestion of amendments to include " Executive Council" | **Approved** |
| **26(3)** | CPC amendment accepted | **Approved** |
| **26(4)** | | **Approved** |
| **28(1)(b)** | | **Approved** |
| **29(1)** | | **Approved** |
| **29 (2)** | | **Approved** |
| **29(3)(a-e)** | | **Approved** |
| **29(3)(f)** | Related to policing | **Deferred** |
| **29(4)** | | **Approved** |
| **29(5)** | | **Approved** |
| **29(6)** | | **Approved** |
| **29(7)** | | **Approved** |
| **30** | | **Approved** |
| **31** | CPC amendment accepted | **Approved** |
| **32(2)** | Delete " or a Secretary" | **Approved as amended** |
| **37(1)** | Ordinary meeting should be define in Clause 3 | **Approved** |
| **37(2)** | | **Approved** |
| **37(3)** | | **Approved** |
| **38** | CPC amendment accepted | **Approved** |
| **41(2)** | | **Approved** |
| **44(3)** | Delete all of 44(3) | **Approved deletion** |
| **49** | | **Approved** |
| **53** | | **Deferred for further consideration of CPC with Ministry of Finance** |
| **57** | | **Approved** |
| **58** | No new information on vesting powers | **CPC reminded to check further** |
| **63** | CPC amendment accepted | **Approved** |
| **65-78** | Delete | **Approved deletion** |
| **80(3)** | Keep "may" | **Approved** |
| **83(1)** | Ministry to double check concerns | **Approved** |
| **85(5)** | | **Approved** |
| **105** | Need to implement a mechanism for dealing with vacant lots not change the clause | **Approved** |
| **108** | Need a provision to cover vacancies that exist in rural areas | |
| **114(a)** | Delete-no longer relevant | **Approved deletion** |
| **115** | Delete-no longer relevant | **Approved deletion** |

The Officials were thanked for their attendance and excused from the meeting.

**OTHER BUSINESS**

5.1 After some discussion, the Committee agreed to invite the Mayors and Chairmen of the Corporations to the next meeting.

**ADJOURNMENT**

6.1 The Chairman adjourned the meeting to ***Wednesday December 02, 2009 at 12:30p.m.***

6.2 The adjournment was taken at 6:17 p.m.

Sgd.

Chairman

Sgd.

Secretary

**November 24, 2009**

MINUTES OF THE 12th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
"THE LOCAL GOVERNMENT BILL, 2009"
HELD ON **WEDNESDAY DECEMBER 02, 2009** IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Mrs. Hazel Manning | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Ms. Khisha Peterkin | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Jerry Narace | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Mr. Subhas Panday | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Ms. Patricia Boyce-De Peza | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |
| Ms. Doreen Lewis | - | DMCR(Ag.) |
| Ms. Annalene Innis | - | Senior Legal Counsel |

**HEADS OF THE MUNICIPAL CORPORATIONS**

| | | |
|---|---|---|
| His Worship Murchison Brown | - | Mayor of Port of Spain |
| His Worship Kenneth Ferguson | - | Mayor of San Fernando |
| His Worship Adrian Cabralis | - | Mayor of Arima |
| His Worship Victor Mitchell | - | Mayor of Point Fortin |
| Mr. Ramlochan Panchoo | - | Chairman Mayaro/Rio Claro Regional Corporation |
| Mr. Vidya Deokiesingh | - | Chairman Siparia Regional Corporation |
| Mr. Kemchan Ramdath | - | Chairman Princes Town Regional Corporation |

| | | |
|---|---|---|
| Mr. Ranjit Ramnarine | - | Chairman Couva/Tabaquite/Talparo Regional Corporation |
| Mr. Ronald Boynes | - | Chairman Sangre Grande Regional Corporation |
| Mr. Allen Sammy | - | Chairman Penal/ Debe Regional Corporation |
| Ms. Patricia Mejias | - | Chairman Tunapuna/Piarco Regional Corporation |
| Mr. Steve Castagne | - | Chairman Diego Martin Regional Corporation |
| Mr. Lyndon George | - | Deputy Chairman Diego Martin Regional Corporation |

**COMMENCEMENT**

1.1 The Chairman called the meeting to order at 1:19 p.m. and welcomed all Members present.

1.2 The Chairman informed Members that Mr. Narace had indicated that he would be unable to attend the day's meeting,

**<u>CONFIRMATION OF MINUTES- November 18, 2009</u>**

2.1 The Chairman enquired whether there were any corrections to the Minutes.

2.2 After Paragraph 4.6 should be inserted *"(Mr. Mark excused himself from the meeting)"*

2.5 The motion for the confirmation of the Minutes was moved by Dr. Dick-Forde and seconded by Mr. Roberts.

2.6 The Minutes as amended were thereby confirmed.

**<u>MATTERS ARISING FROM THE MINUTES</u>**

3.1 Mr. Mark again raised the matter of the alternative commitments had by Opposition Members on Wednesday afternoon, which affected their ability remain at meetings of the Committee later than 3 p.m.

3.2 After some discussion, the Committee agreed to end the day's proceedings at 3 p.m. and to schedule the subsequent meeting for Friday December 11, 2009 at 9 a.m.

3.3 In the interest of time, on a motion moved by Senator Mark and seconded by Ms. Beckles, the Committee agreed to defer the discussion of matters arising from the Minutes of November 18, 2009 to the next meeting.

**<u>DISCUSSIONS WITH REPRESENTATIVES OF MUNICIPAL CORPORATIONS</u>**

4.1 The Representatives of the Municipal Corporations and the Officials from the Ministry of Local Government were invited to join the meeting. Introductions were made.

4.2 The Chairman invited the representatives of the Municipal Corporations to make brief remarks.

4.3 The following points were made by the Chairman of the Couva/Tabaquite/Talparo Regional Corporation:

(i) the regularization of unplanned housing need to be addressed by the legislation
(ii) the illegal construction of buildings was widespread and needed to be targeted
(iii) a mechanism was needed to encourage citizen participation in community works, possibly through the formation of village councils and the payment of stipends
(iv) poverty existed in pockets and efforts need to be made to address this
(v) no analysis was ever done to determine the capacity of corporations with regard to the service needs of the areas
(vi) there was no equity in representation and the allocation of financial provisions to suit
(vii) all road and bridge maintenance should be transferred to the Corporations and they should be equipped with the funds and capacity to execute
(viii) the reduction in the number of Municipal Corporations from 14 to 12

4.4 On further questioning, the Chairman of the Couva/Tabaquite/Talparo Regional Corporation replied that he had submitted a document with recommendations to the Ministry of Local Government. He also indicated that some of his concerns could possibly be addressed with the establishment of the Department system in the Bill.

4.5 The following issues were raised by the Mayor of the City of San Fernando:

(i) the financing mechanisms proposed would only be satisfactory if the subventions from the Ministry covered the income that would be lost from not being able to collect rates and taxes

4.6 In reply to a question, the Mayor indicated that he did not see the "block vote" system that existed for the Tobago House of Assembly as the preferred method, once sufficient funds were available.

4.7 The following points were made by the Chairman of the Princes Town Regional Corporation:
(i) the local government system should be enshrined in the Constitution and not be merely an Act of Parliament
(ii) corporations were ready to handle the "block vote" system, since there was little flexibility allowed for the movement of funds under the present system of allocation
(iii) the collection of rates and taxes is an essential part of local government and its ability to use these funds for improvements within the municipality
(iv) the idea of the Executive council is a good one
(v) the employment of the Chief Executive Officer should be on contract based on the advice of the Council to the Permanent Secretary. This would assist the Corporation in hiring persons who are able to identify with members of the community.
(vi) there is a need for the development of more Arts and Cultural programmes.
(vii) the maintenance of roads should remain with the Corporations with the attendant funds and resources provided
(viii) the boundaries should not be changed as this reduces accessibility to services
(ix) the administrative district structure will add another layer of bureaucracy

4.8 The following points were made by the Chairman of the Diego Martin Regional Corporation:
(i) the present act needs reform
(ii) there is too much bureaucracy in accessing funding from Central Government
(iii) delivery of services is stymied by the inability of the Corporation to dismiss some personnel

(iv) corporations are dependent during disasters on input by all agencies
(v) there are too many illegal and unplanned settlements
(vi) the boundaries suggested by town and country planners are not reflected in the legislation
(vii) the administrative district system will add to the bureaucracy
(viii) proper governance of all is required within all Corporations

4.9 On questioning the Chairman of the Diego Martin Regional Corporation agreed that the option for staff on contract was a good proposal.

4.10 The Chairman informed the Officials that the discussions would be concluded at this stage but would be continued on the next Friday.

4.11 The Officials were thanked for their attendance and excused from the meeting.

**OTHER BUSINESS**

5.1 The Committee agreed that at the next meeting, the consideration of the Minutes would be deferred until after the discussions with the Heads of the Municipal Corporations.

**ADJOURNMENT**

6.1 The Chairman adjourned the meeting to ***Friday December 11, 2009 at 9:00 a.m.***

6.2 The adjournment was taken at 3:11 p.m.

Sgd.

Chairman

Sgd.

Secretary

**December 04, 2009**

MINUTES OF THE 13th **MEETING** OF THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
"THE LOCAL GOVERNMENT BILL, 2009"
HELD ON **FRIDAY DECEMBER 11, 2009** IN
THE PARLIAMENT CHAMBER, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN

**PRESENT**

| | | |
|---|---|---|
| Mr. Joseph Ross | - | Chairman |
| Ms. Christine Kangaloo | - | Member |
| Mrs. Hazel Manning | - | Member |
| Dr. Emily Gaynor Dick-Forde | - | Member |
| Ms. Pennelope Beckles | - | Member |
| Mr. Anthony Roberts | - | Member |
| Mr. Chandresh Sharma | - | Member |
| Mr. Wade Mark | - | Member |
| Mrs. Lyndira Oudit | - | Member |
| Mrs. Nataki Atiba-Dilchan | - | Secretary |
| Ms. Khisha Peterkin | - | Asst. Secretary |

**ABSENT/EXCUSED**

| | | |
|---|---|---|
| Mr. Jerry Narace | - | Member |
| Prof. Ramesh Deosaran | - | Member |
| Mr. Subhas Panday | - | Member |

**REPRESENTATIVES OF THE MINISTRY OF LOCAL GOVERNMENT**

| | | |
|---|---|---|
| Ms. Cheryl Blackman | - | Permanent Secretary |
| Ms. Verna Johnson | - | Deputy Permanent Secretary |
| Mr. Cornelius Price | - | Decentralization Coordinator |
| Ms. Patricia Boyce-Diaz | - | Director Human Resources |
| Mr. Rodney Ramlogan | - | Manager, Regional Planning |

**HEADS OF THE MUNICIPAL CORPORATIONS**

| | | |
|---|---|---|
| His Worship Murchison Brown | - | Mayor of Port of Spain |
| His Worship Kenneth Ferguson | - | Mayor of San Fernando |
| His Worship Adrian Cabralis | - | Mayor of Arima |
| His Worship Victor Mitchell | - | Mayor of Point Fortin |
| Mr. Ramlochan Panchoo | - | Chairman Mayaro/Rio Claro Regional Corporation |
| Mr. Morena Martin Frederick | - | Chairman Siparia Regional Corporation |
| Mr. Ranjit Ramnarine | - | Chairman Couva/Tabaquite/Talparo Regional Corporation |
| Mr. Ronald Boynes | - | Chairman Sangre Grande Regional Corporation |

| | | |
|---|---|---|
| Mr. Allen Sammy | - | Chairman Penal/ Debe Regional Corporation |
| Ms. Patricia Mejias | - | Chairman Tunapuna/Piarco Regional Corporation |
| Mr. Steve Castagne | - | Chairman Diego Martin Regional Corporation |
| Mr. Lyndon George | - | Deputy Chairman Diego Martin Regional Corporation |

**REPRESENTATIVES OF THE MINISTRY OF PUBLIC ADMINISTRATION**

| | | |
|---|---|---|
| Mr. Kennedy Swaratsingh, MP | - | Minister of Public Administration |
| Mr. Clement | - | Director of the Central Statistical Office (CSO) |

**COMMENCEMENT**

1.1 The Chairman called the meeting to order at 9:50 a.m. and welcomed all Members and Officials from the Municipal Corporations and the Ministry of Local Government who were present.

**DISCUSSIONS WITH REPRESENTATIVES OF MUNICIPAL CORPORATIONS**

2.1 The Chairman invited the representatives of the Corporations to continue with their comments on the Bill which were begun at the previous meeting.

2.2 After expressing his gratitude for the opportunity to meet with the Committee, the Chairman of the Mayaro/Rio Claro Regional Corporation made the following points:

(i) the new Bill appeared more centralized than the current Act
(ii) local government systems should be enshrined in the Constitution
(iii) voting for the mayor should be by proportional representation
(iv) no guarantees are made in the Bill for recognition of an opposition element in the case of a clean sweep by one party
(v) qualifications for election should be aligned with administrative district structure
(vi) remuneration should be made public before elections
(vii) the role of the Minister vis-à-vis the Executive Council should be only for general direction
(viii) motions for no confidence in the Mayor should require a three quarters not two thirds vote
(ix) the block vote system is preferred to allow for flexibility in putting funds where necessary
(x) there were no clear arrangements for present work force with the adoption of the contract employment system
(xi) a Municipal Ombudsman should be appointed to investigate complaints from the public against Corporations with provisions to take remedial action
(xii) there should be more consultation with the people with regard to the proposed changes in boundaries

2.3 The Chairman of the Sangre Grande Regional Corporation indicated his appreciation of the process of consultation being undertaken. The Committee was informed of the consultative activities with the 41 communities in Sangre Grande that had also been conducted. The Chairman commented on the following matters:

(i) Act 21 is cumbersome and the new legislation appears simpler to implement
(ii) funding related to regional plans was a welcomed idea
(iii) the full time basis for the Executive Council will be an improvement
(iv) devolution was a process that was not accomplished overnight and capacity had to be gradually built
(v) the local government system should be entrenched in the Constitution
(vi) the boundary re-alignment should add Wallerfield to the Sangre Grande municipality for administrative and economic reason

2.4 In response to questions on receiving additional funding from the Ministry of Local Government, the Committee was apprised of a system of petitioning through the Regional Coordinating Meetings of the Corporations. The point was also made that professional voluntary work formed part of the ability of the Corporation to undertake certain community projects.

2.5 With regard to the new staffing arrangements, the Chairman of the Sangre Grande Regional Corporation indicated that some input should be had from the Corporation, in terms of the selection of staff. He thought that it was an exciting opportunity to transform the work ethic, and that a properly negotiated contract would always protect an employee.

2.6 The <u>Chairman of the Penal/Debe Regional Corporation</u> raised the following:

(i) some of the decisions taken at the Regional Coordinating meetings were not always implementable, for instance, collaborating with CEPEP recommendations
(ii) The lack of additional CEPEP gangs for the Penal area. However, the Minister of Local Government responded by stating until all of the CEPEP gangs are rationalized, no regions will receive any new CEPEP gangs.
(iii) Lack of funding to the Corporation for the cutting and clearing of grass and fields.
(iv) The boundary model is flawed and communities should be divided based on historical, cultural and social similarities.
(v) All communities have different situations, the Penal/Debe region has a lot of flooding and people have difficulties accessing basic utilities. The Minister responded by stating her Ministry has established a Flood Committee which look at the 8 flood prone areas which are supported by the engineers within the Regional Corporations.
(vi) The inconsistency that exists in Clause 29(6)

2.8 The <u>Chairman of the Tunapuna /Piarco Regional Corporation</u> commented that the introduction of the Central Administrative District arrangement would be a definite advantage to the delivery of services to the burgesses. This Corporation had also held consultations with over eight hundred persons.

2.9 The Chairman also supported the option of contract employment, to afford the Corporation the best employees possible.

2.10 The Chairman informed the Officials that the discussions would be concluded at this stage but would be continued at a subsequent meeting.

2.11 The Officials were thanked for their attendance and excused from the meeting.

**MATTERS ARISING FROM THE MINUTES - November 18, 2009**

3.1 Mr. Sharma expressed the view that there was bias on the part of the Chairman in his management of the meeting and the participation of Members. The Chairman indicated that this was never his intent. After much discussion it was agreed that Members from all sides needed to show more respect for each other.

3.2 Mr. Mark asked that consideration be given to the recording and delayed broadcast of the proceedings of the Committee.

3.3 Mr. Sharma renewed his request for invitations to be sent to interest groups to meet with the Committee.

**CONFIRMATION OF MINUTES- December 02, 2009**

4.1 The Chairman enquired whether there were any corrections to the Minutes.

4.2 Mrs. Oudit drew the attention of Members to the Verbatim Notes of the meeting and pointed to two important points which were not reflected in the Minutes. It was agreed that the following information should be inserted in the Minutes after Paragraph 3.2:

> "***3.3 Ms. Beckles asked that the Secretariat provide the Committee with a Schedule of Meetings to assist in setting future meeting dates.***
>
> ***3.4 Mrs. Oudit referred to paragraph 2.2 and asked whether confirmed Minutes were being altered. The Chairman indicated that this was not the case. Mrs. Oudit was adamant that the statement did not reflect what was contained in the Verbatim."***

4.3 The motion for the confirmation of the Minutes, as amended, was moved by Ms. Beckles and seconded by Mrs. Manning.

4.4 The Minutes as amended were thereby confirmed.

**MATTERS ARISING FROM THE MINUTES**

5.1 In the interest of time, the Committee agreed to defer this item of business.

**OTHER BUSINESS**

6.1 The Chairman informed Members that a draft report was prepared which would recommend to the Parliament that the work of the Committee be saved and used in the next session to form part of the work of a future Committee on the Bill.

6.2 Members were informed that this Report would have to be adopted, via debate, in both Houses before the end of the session, if the work of the Committee was to be saved.

6.3 The Draft Report was circulated, and Members were asked to submit amendments to the Secretariat by Monday December 14, 2009 to facilitate the laying of the Report in the Senate on Tuesday.

**ADJOURNMENT**

7.1 The Chairman wished everyone compliments of the season and adjourned the meeting.

7.2 The adjournment was taken at 12:03 p.m.

Sgd.

Chairman

Sgd.

Secretary

**December 14, 2009**