

Bill Pr27

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Bill Pr27

(Chapter Pr20
Statutes of Ontario, 1988)

An Act respecting the Ontario Municipal Management Institute

Mr. Campbell

<i>1st Reading</i>	December 22nd, 1987
<i>2nd Reading</i>	May 19th, 1988
<i>3rd Reading</i>	May 19th, 1988
<i>Royal Assent</i>	May 24th, 1988

**An Act respecting the
Ontario Municipal Management Institute**

Whereas the Ontario Municipal Management Development Board hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 24th day of May, 1979; that the Ontario Municipal Management Development Board desires to be continued as a corporation under the name of the Ontario Municipal Management Institute, herein called the Institute, for the purpose of carrying out the objects of the Institute and of the government and discipline of its members; and whereas the Institute desires to grant to its members the exclusive right to use certain designations and abbreviations thereof as set out in section 7; and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. In this Act,

Definitions

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

“registered” means registered as a member under this Act and
“registration” has a corresponding meaning;

“registrar” means the registrar of the Institute.

2.—(1) The corporation known as the Ontario Municipal Management Development Board is hereby continued as a corporation without share capital under the name of the Ontario Municipal Management Institute and the persons registered as members of the Institute on the day this Act comes into force and such other persons as hereafter become members of the Institute constitute the corporation.

Board continued

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

Continuation of directors, officers

Letters patent revoked

(3) The letters patent of the Institute are revoked, but the revocation does not affect the rights or obligations of the Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act incorporated

(4) The Institute shall be deemed to be a corporation incorporated by a special Act.

- Objects **3.** The objects of the Institute are,
- (a) to administer a professional development and recognition system for municipal management;
 - (b) to organize and administer management training seminars;
 - (c) to promote effective relationships with educational institutions to assure a basic understanding of local governments;
 - (d) to prepare publications on municipal management topics;
 - (e) to provide an information service concerning management policies in Ontario municipalities; and
 - (f) to provide a data base on training, developmental and educational opportunities for those pursuing a career in municipal management.
- Board of directors **4.—(1)** The affairs of the Institute shall be managed by a board of directors.
- Composition **(2)** The board shall consist of not fewer than ten or more than sixty members of the Institute, as the board may determine by by-law, elected from the membership of the Institute.
- Past president **(3)** The immediate past president of the Institute shall be a member of the board.
- Election of board **(4)** The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes and the tenure of office of members of the board shall be set out in the by-laws of the Institute.
- No remuneration **(5)** The directors shall serve without remuneration and no director shall directly or indirectly receive any profit from his or her position but the directors may be paid reasonable expenses incurred by them in the performance of their duties.
- Quorum **(6)** At any meeting of the board, a majority of the members of the board constitutes a quorum.

- President,
etc. (7) The board shall appoint from its number a president and vice-president and shall appoint a secretary who need not be a member of the board.
- Other
appointments (8) The board may appoint such other persons as are necessary to perform the work of the Institute.
- Vacancies (9) In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term.
- Registrar (10) The board shall appoint a registrar, who need not be a member of the board, and the registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the board.
- By-laws 5.—(1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute and, without restricting the generality of the foregoing, the board may pass by-laws,
- (a) establishing the qualifications for and conditions of membership and certification;
 - (b) establishing a curriculum and courses of study to be pursued by members and the subjects upon which members of the Institute shall be examined and for granting certificates to candidates who have successfully passed the examinations;
 - (c) prescribing rules of behaviour for certified municipal managers and providing for the suspension, expulsion or other penalty for a contravention of the rules of behaviour;
 - (d) prescribing fees payable to the Institute;
 - (e) governing the calling, holding and conducting of meetings of the board and of the members of the Institute;
 - (f) authorizing the spending of funds for any purpose that may tend to advance the knowledge and education of persons in local governments in the Province of Ontario or improve standards of practice in municipal administration, or support and encourage public information and interest in the past and present role of municipal managers in society;

- (g) providing for the custody and use of the seal of the Institute;
- (h) providing for the manner in which records and the making of reports are maintained and kept for and by the Institute; and
- (i) appointing committees and delegating to a committee the power and authority to act for the board with respect to any matter or class of matters where a majority of the members of the committee are members of the board.
- Confirmation of by-law (2) No by-law passed by the board comes into force until it is confirmed or amended and confirmed by at least two-thirds of the votes cast at an annual meeting or at a special meeting called for the purpose of considering the by-law.
- Borrowing by-laws R.S.O. 1980, c. 95 (3) The borrowing power of the Institute under section 59 of the *Corporations Act* is limited to borrowing money for current operating expenses unless it borrows on the security of real or personal property.
- Membership **6.**—(1) The Institute shall grant a membership in the Institute to any person who applies therefor in accordance with the by-laws.
- Register (2) The registrar shall keep a register in which shall be entered the names of all members of the Institute and their status of certification and only those persons so registered are members entitled to the privileges of membership in the Institute.
- Inspection of register (3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.
- Appeals (4) Any person who has been refused membership or certification or who has been subject to a disciplinary sanction under the by-laws of the Institute may appeal to the Divisional Court, in accordance with the rules of the Court, from the refusal or from the sanction.
- Certified copy of record (5) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

- Designations** 7.—(1) Every member of the Institute who has satisfied the criteria as set out in the by-laws of the Institute may use the designation “Certified Municipal Manager”, “Certified Municipal Manager I”, “Certified Municipal Manager II” or “Certified Municipal Manager III”, as the case may be, and may use after the member’s name the initials “CMM”, “CMM I”, “CMM II” or “CMM III”, respectively.
- Offence** (2) Any person in Ontario who, not being entitled to do so under subsection (1), takes or uses any designation or any set of initials referred to in subsection (1) either alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that he or she is a certified municipal manager is guilty of an offence.
- Evidence** (3) In every case where certification is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of the certification status of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person’s capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of that person’s signature or that the person is the registrar.
- Idem** (4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not certified.
- Right to practice unaffected** 8. This Act does not affect or interfere with the right of any person who is not a member of the Institute to practice as a municipal officer or employee in the Province of Ontario.
- Not to be carried on for gain** 9.—(1) The Institute shall be carried on without the purpose of gain for its members and any profits or other accretions to the Institute shall be used in promoting its objects.
- Surplus** (2) Any surplus derived from carrying on the affairs and business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.
- Dissolution** (3) Upon the dissolution of the Institute, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations which carry on their work solely in Ontario.
- Filing of annual financial statement** (4) The Institute shall file with the Public Trustee an annual audited financial statement.
- Commencement** 10. This Act comes into force on the day it receives Royal Assent.
- Short title** 11. The short title of this Act is the *Ontario Municipal Management Institute Act, 1988*.