



Rural Municipality of Brackley, PE
A Bylaw to Regulate Remuneration and Expenses of Council and Appointees
Bylaw # 2024 – XX

BE IT ENACTED by the Council of the Rural Municipality of Brackley as follows:

1. Title

1.1. This bylaw shall be known and cited as the “Remuneration and Expenses Bylaw.”

2. Authority

2.1. This bylaw is enacted under the authority of the *Municipal Government Act*, RSPEI 1988, Cap. M-12.1.

3. Administration

3.1. This bylaw shall be administered by the Council, Chief Administrative Officer of the Rural Municipality of Brackley or by persons designated by the Chief Administrative Officer.

4. Application

4.1. This bylaw applies to all Council members. For greater certainty, this includes the Mayor, Deputy Mayor, and all other members of the Rural Municipality of Brackley Council.

5. Definitions

- 5.1. “Act” means the *Municipal Government Act*, RSPEI 1988, Cap. M-12.1
- 5.2. “Chief Administrative Officer” or “CAO” means the administrative head of a Municipality as appointed by Council.
- 5.3. “Compensation” means a form of monetary payment for the performance of some work or service.
- 5.4. “Council” means the Mayor and other members of the Council of the Municipality.
- 5.5. “Councillor” means a member of Council other than the Mayor.
- 5.6. “Commission” means the Remuneration and Allowances Commission appointed pursuant to subsection 82(3) of the Act.
- 5.7. “Municipality” means the Rural Municipality of Brackley.
- 5.8. “Remuneration” means, both monetary payment for the for the performance of some work or service and non-monetary payments such as medical insurance, pension schemes, retirement benefits, etc.

6. Establishing a Remuneration Bylaw

- 6.1. Council may, by bylaw, establish the level of remuneration and reimbursement available to elected officials to ensure that:
 - (a) residents who have been elected to the position of Mayor, Deputy Mayor, or Council member are provided reasonable remuneration for their service to the Municipality;
 - (b) individuals who have been appointed by Council to municipal committees are provided reasonable remuneration for their service to the Municipality;
 - (c) the orderly and consistent payment and reimbursement to the Mayor, Deputy Mayor, Councillors, and committee members;

7. Remuneration of Council Members

- 7.1. The Mayor shall be paid remuneration for discharge of the duties of office in the amount of \$3,500.00 per year.
- 7.2. The Deputy Mayor shall be paid remuneration for discharge of the duties of office in the amount of \$3,000.00 per year.
- 7.3. Each Councillor shall be paid remuneration for discharge of the duties of office in the amount of \$2,500.00 per year.
- 7.4. Where a Councillor, Deputy Mayor or Mayor does not serve a full 12 month term (or misses a meeting without the consent of Council), remuneration shall be prorated on a monthly basis for time served or part month thereof and those monies shall stay in the general fund of the Municipality.

8. Additional forms of Remuneration

- 8.1. In addition to the remuneration rates provided for in sections 7.2, 7.2 and 7.3 of this bylaw, the Mayor, Deputy Mayor, Councillors and the Chief Administrative Officer, and one guest for each, shall be paid additional remuneration in the form of a semi-annual Council Supper for discharge of their duties of office. The venue will be chosen by Council twice per year and should not exceed \$100.00 per guest, plus taxes and gratuities, which are to be calculated based on the value of the meal. For greater certainty, alcoholic beverage are not included in this additional remuneration and any alcoholic beverages at the semi-annual Council Suppers are to be purchased by the individual(s) consuming the beverages and are not included in the cost covered by the Municipality.
- 8.2. Notwithstanding the provisions of section 8.1 of this bylaw, Council reserves the right to invite other guests to the semi-annual Council Supper in recognition of those individual's efforts, past or present, in helping Council with the execution of their duties and or support that those individuals provided Council.
- 8.3. The Mayor, Deputy Mayor, and the Councillors are entitled to receive permits issued by the Municipality free of charge, provided that the permit being obtained are for their personal residences. For clarity, if the permit is being obtained for a property for which the Mayor, Deputy Mayor, or the Councillors own but rent out, they will be required to pay the corresponding permit fee associated with the permit required for such a property.

9. Remuneration Payment

- 9.1. Remuneration shall be paid in December of each year, subject to any deductions required by federal or provincial statutes or any required deductions.
- 9.2. Remuneration for the Mayor, Deputy Mayor and Councillors shall be adjusted on or about the end of each fiscal year by a rate equivalent to the increase in the Consumer Price Index, for the calendar year most recently ended, and rounded up to the nearest \$10 increment.
- 9.3. In the event that the Mayor, Deputy Mayor, or Councillor were to pass away, and where they were entitled to remuneration at the time of their passing, their spouse would receive the remuneration were entitled to. If the deceased Mayor, Deputy Mayor, or Councillor did not have a spouse at the time of their death, then the deceased's estate would not be entitled to remuneration and the remuneration funds that the deceased were entitled to shall be prorated on a monthly basis for time served or part month thereof and those monies shall stay in the general fund of the Municipality.
- 9.4. In the event that the Mayor, Deputy Mayor or Councillor are dismissed from their duties, due to issues such as dereliction of duties, intentional conflict of interest, misappropriation of Municipality assets, abuse of authority or any other such offense to Council, that individual shall not be entitled to remuneration for services of their duties. For greater clarity this section of the bylaw is not applicable to amicable dismissals where the individual had no malicious intent towards Council or their duties, as determined by Council, or in a situation where an individual resigned or retired due to personal reasons.

10. Total Remuneration

- 10.1. Neither the Mayor, nor the Deputy Mayor, nor any Councillor who chairs or serves on any committee, commission, or board of the Municipality, shall receive any remuneration or honorarium to chair or serve on that committee, commission, or board, other than the remuneration set out in this bylaw.

11. Expenses

- 11.1. The Mayor, Deputy Mayor and Councillors shall be entitled to be reimbursed for their legitimate expenses incurred through the discharge of their duties as office holders of the Municipality in accordance with Schedule A that is attached to, and forms part of, this bylaw.
- 11.2. The Mayor, Deputy Mayor, Councillors, Volunteers and Employees shall be entitled to reimbursement for legitimate mileage expenses when they use their personal vehicle for the discharge of their duties for the Municipality. Legitimate mileage expenses shall be paid at a rate in accordance with the Provincial Government mileage rates applicable during the dates of travel and in accordance with Schedule A that is attached to, and forms part of, this bylaw.
- 11.3. The Mayor, Deputy Mayor, Councillors, Volunteers and Employees shall be entitled to reimbursement for their legitimate meal expenses deemed reasonable by Council, not covered by other parties, that are incurred through the discharge of their duties to the Municipality. All requests for reimbursement for legitimate meal expenses must be supported by receipts and submitted to Council for approval.

Legitimate meal expenses shall be paid in accordance with Schedule A that is attached to, and forms part of, this bylaw. For greater certainty, reimbursement for legitimate meal expenses shall not exceed the amount of twenty three dollars (\$23.00) per meal.

- 11.4. The Mayor, Deputy Mayor, Councillors, Committee Members, Volunteers and Employees shall be entitled to reimbursement for other legitimate expenses, deemed reasonable by Council, incidental and necessary through the discharge of their duties to the Municipalities. All requests for reimbursement for legitimate incidental expenses must be supported by receipts and submitted to Council for approval. Legitimate incidental expenses shall be paid in accordance with Schedule A that is attached to, and forms part of, this bylaw.
- 11.5. In the event the Mayor, Deputy Mayor, Councillor, Volunteer, or an Employee of the Municipality were to pass away being entitled an expense reimbursement at the time of their passing, their spouse of the deceased would receive the reimbursement entitlement. If the Mayor, Deputy Mayor, Councillor, Volunteer, or an Employee were to pass away without having a spouse, the deceased's estate would not be entitled to the reimbursement of the deceased and those monies shall stay in the general fund of the Municipality.

12. Expenses Payment

- 12.1. Expenses shall be paid as requested by the Mayor, Deputy Mayor and Councillor's amount the Municipality's receipt of appropriate substantiation, such as receipts, and shall be submitted within 30 days of incurring the expense. In exceptional circumstances, and subject to Chief Administrative Office approval, substantiated expenses may be accepted for payment after the period of thirty (30) days.
- 12.2. The Mayor, Deputy Mayor and Councillor shall receive their reimbursement for legitimate and substantiated expenses for which they are entitled to reimbursement for within thirty (30) days of making the request for reimbursement and providing substantiating documentation.

13. Independent Review

- 13.1. Prior to making any amendments to this bylaw that alters existing types, rates and conditions of compensation, allowances or benefits to be paid to members of Council, Council shall, in accordance with section 82(3) of the Act, appoint an independent Remuneration and Allowances Commission.
- 13.2. The Commission shall be made up of 2-3 members, who shall not be a member of Council, a municipal staff member, a spouse or sibling of a Council or municipal staff member, or any other person who has an identifiable conflict of interest
- 13.3. The members of the Commission shall be reimbursed for their time at an amount to be determined and approved by Council prior to the Commission beginning their independent review.
- 13.4. The Commission shall review and to make recommendations to Council respecting the compensation, reimbursement or payments that should be made to members of Council, giving consideration to:
 - (a) compensation, reimbursement and payment rates of comparably-sized municipalities;

- (b) the budgetary impact of any changes to existing types, rates and conditions of compensation, allowances or benefits;
- (c) the impact of any changes on the ability of the municipality to ensure an active and engaged council through the recruitment of candidates for election; and
- (d) the time requirements associated with participation on council and council committees.

13.5. The Commission shall report to Council within 120 days of being appointed or within another time frame identified in the resolution appointing the Commission.

14. Independent Review Adoption

14.1. Following Council’s receipt of the independent review referenced in section 13.1 of this bylaw, and at least six (6) months prior to the date scheduled for a regular election, Council shall adopt any changes to remuneration, expenses, or severance that Council deems appropriate, and such changes shall take effect immediately after the next municipal election.

15. Severability

15.1. If any provision in this bylaw is deemed to be invalid for any reasons, then that provision shall be severed from this bylaw and all remaining provisions shall remain valid and in force.

16. Repeal of Existing Bylaw

16.1. On adoption, this bylaw replaces Bylaws #2023-01, 2023-02 and 2023-03.

17. Effective Date

17.1. This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, shall be effective on the date of approval and adoption below.

First Reading:

This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, was read a first time at the Council meeting held on the _____ day of _____, 20XX.

This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, was approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

Second Reading:

This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, was read a second time at the Council meeting held on the _____ day of _____, 20XX.

This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, was approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

Approval and Adoption by Council:

This Remuneration and Expenses Bylaw, Bylaw# 20XX-XX, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

18. Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Remuneration and Expenses Bylaw adopted by the Council of the Rural Municipality of Brackely on [redacted] is certified to be a true copy.

Chief Administrative Officer Signature

Date

SCHEDULE A

Mileage Reimbursement

Legitimate mileage expenses shall be paid at a rate in accordance with the Prince Edward Island Provincial Government mileage rates

Meal Reimbursement Rates (to be supported by receipts)

Breakfast at the rate of _____

Lunch at the rate of _____

Dinner at the rate of _____

No mileage will be paid for attendance at Council meetings, Council Committee meetings or for meetings held within the Rural Municipality of Brackley.

No meal allowances will be paid for attendance at Council meetings, Council Committee meetings or for meetings held within the Rural Municipality of Brackley.

Officials may be reimbursed for other expenses, incidental and necessary to their municipal duties, as approved by the council and supported by receipts.