

FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Trisha McKibbin, Director of Corporate Services / Deputy Clerk
Date of Meeting:	25 July 2017
Subject:	COR 29-2017 Bill 68 – Modernizing Ontario’s Municipal Legislation Act

PURPOSE

The purpose of this report is to provide Council with an outline of the changes to the *Municipal Act*, *Municipal Conflict of Interest Act* and the *Municipal Elections Act* as a result of Bill 68, *The Modernizing Ontario’s Municipal Legislation Act*.

RECOMMENDATION

THAT COR 29-2017 Report on Bill 68 – *Modernizing Ontario’s Municipal Legislation Act* report be received;

THAT staff be directed to research and provide recommendations related to new mandatory policies as set by the *Modernizing Municipal Legislation Act*; and

THAT staff be directed to review existing policies related to section 270 of the *Municipal Act, 2001* and provide recommendations for amendments and revisions; and

THAT staff be directed to partner with municipalities in the County of Perth on a joint RFP to secure an Integrity Commissioner for the Town of St. Marys.

BACKGROUND

In November of 2016 the government introduced Bill 68, the *Modernizing Ontario’s Municipal Legislation Act*, which introduced a series of reforms to the *Municipal Act*, *Municipal Conflict of Interest Act* and the *Municipal Elections Act*, and several other pieces of municipally-relevant legislation.

On May 30, 2017 Bill 68 received Royal Assent.

REPORT

This report contains information regarding Bill 68 with respect to the amendments to policies, meetings of council and powers of Integrity Commissioners.

Meetings of Council

The definition of a meeting is expanded to include:

- 1) A quorum of members
- 2) If those present discuss issues that “materially advances” the business or decision making of the Council, Local Board or Committee.

The discretionary authority to use electronic methods for meetings was retained but it was clarified that anyone participating electronically cannot participate in a closed meeting item. This is in addition

to the provision that a person participating electronically cannot count for quorum. The Procedure Bylaw will need to consider the use of electronic meetings and will require amending where needed.

Composition and Term of Council

Following the municipal election in 2018 and every second election thereafter, Council must review the number of members that represent each local municipality. If the Council does not make a change to its composition, the Minister may do so by regulation.

The 2018-2022 term of council will commence December 1, 2018 and end on November 14, 2022; thereafter the term of council will commence on November 15th in the year of the election.

Code of Conduct

- Codes of conduct for members of council and certain local boards would now be mandatory, rather than optional.
- The Minister would have regulation-making authority to prescribe subject matters required to be included in a code of conduct.

Integrity Commissioner

Council will be required to appoint an Integrity Commissioner or make arrangement for all of the responsibilities to be provided by an Integrity Commissioner of another municipality.

Integrity Commissioners would have new powers to conduct inquiries about whether members have contravened the *Municipal Conflict of Interest Act (MCIA)*.

- An elector or a person demonstrably acting in the public interest could apply to the Commissioner for an inquiry (this is a change from “any person” which was proposed in the Bill when it was introduced).
- Upon completion of an inquiry, a Commissioner could decide to bring the matter to court.
- Costs of applying to a judge would be paid by the relevant municipality or local board.
- As is currently the case, it would be up to the judge to decide whether the member has contravened the MCIA.

Staff is currently working with the Clerk’s from the lower and upper tier municipalities in Perth County on a joint Request for Proposal for Integrity Commissioner Services.

Municipal Conflict of Interest Act

The *Municipal Conflict of Interest Act* is amended to require a member of Council to file a written statement after the member has disclosed a pecuniary interest. The Town will be required to maintain a registry of statements filed and declarations recorded.

The amendments also provided a broader range of penalties for contraventions to the *Municipal Conflict of Interest Act*. These include:

- Reprimand the member or former member
- Suspend the remuneration paid to the member for a period of up to 90 days;
- Declare the member’s seat vacant
- Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order
- If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party’s identity is not readily ascertainable, to the municipality or local board, as the case may be.

Financial Sustainability

Bill 68 broadens the investment powers of the municipality, and enables investment according to the Prudent Investor Standard.

The updated legislation will also shorten the length of time a municipality has to wait to initiate a tax sale of a property to two years

Policies

Bill 68 also states that Councils will need to adopt and maintain policies on:

- Codes of Conduct (effective date to be determined and there is a related Ministerial regulation that is to identify the subject matters for Codes of Conduct for councils and local boards). Under the current legislation this is an option, not a requirement.
- protection and enhancement of tree canopy and natural vegetation in the municipality (effective date to be determined by Lieutenant Governor)
- pregnancy and parental leaves of council members (effective date to be determined)
- Council-Municipal employee relations (effective date to be determined).

SUMMARY

In November of 2016 the government introduced Bill 68, the *Modernizing Ontario's Municipal Legislation Act*, which introduced a series of reforms to the *Municipal Act*, *Municipal Conflict of Interest Act* and the *Municipal Elections Act*, and several other pieces of municipally-relevant legislation. On May 30, 2017 Bill 68 received Royal Assent. This report contains information regarding Bill 68 an implication for the municipality with respect to the amendments to policies, meetings of council and powers of an Integrity Commissioners.

FINANCIAL IMPLICATIONS

Further information on the specific costs of procuring and appointing an Integrity Commissioner will be provided to Council once that information has been confirmed.

OTHERS CONSULTED

None

ATTACHMENTS

None

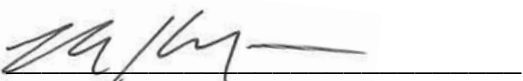
REVIEWED BY

Recommended by the Department



Trisha McKibbin
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Recommended by the CAO



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