

BILL 68, MODERNIZING ONTARIO'S MUNICIPAL LEGISLATION ACT, 2016 SUMMARY OF KEY PROVINCIAL PROPOSALS

March 8, 2017

The key proposals of the Municipal Act and Conflict of Interest Act are captured below by themes. The changes are also in the City of Toronto Act.

Accountability and Transparency Proposals: Part 5.1 of Municipal Act (Section 223)

A. Codes of Conduct

- Codes of conduct for members of council and local boards would be no longer discretionary. (There is no proposed change to Local Board definition for this Part.)
- Municipal Affairs Minister given authority if he/she chooses to issue a regulation containing subject matter(s) required to be included in a Code.

B. Integrity Commissioners

- Require all municipal governments provide access to an integrity commissioner (IC); must ensure that all the functions of the IC are being provided by an IC; to have the flexibility to appoint or make arrangements for the functions to be provided by an IC of another municipality.
- Expand current IC role to:
 - Conduct inquiries upon complaint or on own initiative for Municipal Conflict of Interest Act (MCIA) matters and code of conduct matters;
 - Provide advice in writing to members of councils and local boards respecting their obligations under the code of conduct; ethical behavior procedures, rules or policies; and the MCIA;
 - Provide educational information in writing to the public, municipality and members of council and local boards about the code of conduct and MCIA.
- New IC powers to allow any person to apply in writing to IC asking for an investigation concerning an alleged contravention of the MCIA; any application must be within 6 weeks that applicant aware of alleged contravention; IC has 180 days to complete inquiry; IC may apply to judge under MCIA if IC considers appropriate for determination of contravention; IC costs paid by alleged member if matter goes to judge.

C. Municipal Conflict of Interest Act

- Local Board definition is unchanged (is broader list than Part 5 list).
- Sets out principles (e.g. act with integrity, impartiality).
- Member can speak but not vote where Council or Board is meeting to consider an imposition of the code of conduct penalty to suspend member's pay for up to 90 days.
- File written statement of member's interest after disclosed at meeting.
- Where pecuniary interest a member cannot use office in any way to influence any person/employee who is acting on delegated authority from council.
- Public, accessible registry of written statements or declarations of interests of members. The registry would be available for public inspection.
- Penalties broader; if judge finds a contravention, can: i) reprimand the member or former member, ii) suspend the member's remuneration for a period up to 90 days, iii) declare the member's seat vacant, iv) disqualify the member or former member during a period of not more than seven years, and/or v) require the member or former member to make restitution.

D. Open Meetings

- Definition changed to require an open meeting (council, committee or board) where a quorum of members is present and they discuss or otherwise deal with a matter in a way that materially advances the business or

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decision-making of the relevant council, local board or committee.

- Four additional discretionary open meeting exceptions proposed:
 - Confidential information supplied by Canada, a province or territory or a Crown agency;
 - Certain third party information supplied in confidence to a municipality or local board;
 - Trade secret or financial, commercial, scientific or technical information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - A position, plan, procedure, criteria or instruction to be applied to any negotiations by or on behalf of the municipality or local board.
- Municipal procedure bylaw may provide for electronic participation by members at open meetings including the extent and manner but electronic participants are not counted for quorum.
- Require passage of a resolution stating how council/board intends to address an investigation report, where the investigator's opinion is that a meeting was closed contrary to the Act.

E. Municipal Financial Sustainability Proposals:

- Prudent Investor Standard sets out framework for a municipality that meets certain requirements to invest money that it does not require immediately in any security in accordance with a prudent investor standard and a regulation.

Small Business Programs

- Remove the need for approval from MMA before a municipality establishes a small business program, but set out prescribed conditions that must be met before it establishes a program.

Forfeited Corporate Property

- Provide municipalities with authority initiate an expedited tax sale of properties that have vested in the Crown because of the dissolution of a corporation, to facilitate bringing such lands into productive use more quickly.

Municipal Tax Sales

- Reduce from 3 to 2 years of property taxes owing before a municipality can start a property tax sale.

Property Tax Collection and Administration

- Various amendments to improve property tax collection and administration provisions generally. For example, the proposed amendments address electronic delivery of property tax bills, broadening the range of fees and charges that can be added to the tax roll, and certain property tax relief processes.

F. Other Matters:

Climate Change

- Existing broad powers to clarify the power to pass by-laws respecting climate change; that municipalities may provide for or participate in long-term planning for energy use in the municipality.
- Provide additional powers to pass by-laws respecting the protection and conservation of the environment in accordance with regulations, including powers to require green roofs or alternative roof surfaces in circumstances specified by the Building Code (requires standards be established in the Building Code first).
- Require municipalities to adopt a policy with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

Integrated Planning for Service Delivery

- MMA can prescribe actions that municipalities must take to support local integrated planning related to client services (Community Hubs).

Regional Council Composition

- Require regional municipal governments review the number of members of their council that represent their lower-tier municipalities at least once following every second municipal election, starting after the 2018 municipal election.
- MMA to have regulatory authority and could choose to change composition if a regional municipality is unable to come to a local decision within two years following every second municipal election starting after the 2018 election.

Temporary Replacements on Upper-tier Council

- Allow a lower-tier council to appoint an alternate member of lower-tier council to temporarily replace a person who is a member of both the lower-tier and upper-tier council if the member is unable to attend an upper-tier council meeting.

Council-Municipal Staff Relations Policies

- All municipal governments must have a policy on the relationship between members of council and the officers and employees of the municipality.

Administrative Penalties

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- Provide municipalities with the authority to require a person to pay an administrative penalty if the person has failed to comply with a municipal by-law passed under the Municipal Act or the City of Toronto Act.

Pregnancy and Parental Leave

- Require a policy that supports pregnancy leaves and parental leaves for council members.
- Prevent a council members' seat from becoming vacant due to absences resulting from pregnancy, or the birth or the adoption of the member's child for a period of 20 consecutive weeks or less.

Advertising Devices (Signs)

- To no longer limit a municipality's ability to pass bylaws regulating existing advertising devices, such as signs and provide for transition respecting existing municipal by-laws.

Power of Entry

- Provide ability to enter private property adjoining municipal property to do maintenance on the municipal property, subject to certain conditions and limits.

Site Alteration

- Give municipal by-laws effect in areas under jurisdiction of conservation authorities.

Rental Housing

- New authority to register on title an agreement required as a condition of demolition permit or conversion of residential rental properties, and enforce agreement.

G. Proposals to Other Acts:

Amendments to the Planning Act

- Add climate change as a matter of provincial interest under the Planning Act so that decision-makers carrying out their responsibilities under the Planning Act shall have regard to it.

Amendments to the Municipal Elections Act, 1996

- Term of office for council and school board members to start November 15, in the year of a regular election (not December 1).
- Raise the contributions limit to a single candidate or third party advertiser to \$1,200, consistent with the proposed provincial limit under Bill 201. (Province's was lowered to \$1200 from \$1,550 during Bill 201 clause-by-clause).
- Impose a self-funding limit for municipal council candidates based on the number of electors voting for the office, to a maximum of \$25,000 per candidate.
- The formula for calculating the limit would be \$7500 + \$0.20 per elector for head of council, and \$5,000 + \$0.20 per elector for other council offices.

LINK



Municipal Act Review Resources



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