



August 10, 2017

REPORT TO: Mayor & Council

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Modernizing Ontario's Municipal Legislation Act (Bill 68)

BACKGROUND INFORMATION

In November 2016, the Province of Ontario tabled Bill 68, the Modernizing Ontario's Municipal Legislation Act, which will introduce a series of reforms to the Municipal Act, Municipal Conflict of Interest Act, and several other pieces of municipally-relevant legislation. On May 30, 2017, Bill 68 received Royal Assent, with effective dates for many sections still to be announced.

HIGHLIGHTED CHANGES

One of the most significant changes is related to Council Code of Conduct and the appointment of an Integrity Commissioner. The legislation, Section 223.2 (1) now indicates that 'a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards.' Previous legislation, left the decision up to each individual municipality. To date, the Province has not provided any direction or determination as to what a Code of Conduct must contain which permits each municipality to create one that best suits their own municipality.

In addition, municipalities will be required to appoint an Integrity Commissioner who reports to Council, and who is responsible to enforce the established Code of Conduct. Section 223.3 of the Municipal Act provides for the authorization to appoint, while the subsequent sections outline the functions that the Integrity Commissioner is expected to perform.

Furthermore, a municipality may expand the role of the Integrity Commissioner to cover the Municipal Conflict of Interest Act. Details related to this option will be brought forward in a subsequent report.

Another significant change included in Bill 68 is clarification to the definition of 'meeting' as follows:

- "meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,*
- a) A quorum of members is present, and*
 - b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.*

This change will require most Ontario municipalities to review their Procedural By-laws to ensure that the definition of meeting is the same as that which is provided for in Bill 68. There have also been additional closed meeting exemptions proposed in Bill 68 to allow for more flexibility when required.

The Province continues to make accountability and transparency the dominant focus of municipalities, but this of course comes with an increase in financial and administrative costs. The Association of Municipalities of Ontario (AMO) and the Association of Municipal, Clerks and Treasurers of Ontario (AMCTO) have expressed concerns to the Province related to implementation timelines to bring Bill 68 into force and effect. Adequate time and funds to implement required amendments need to be considered by the Province.

NEXT STEPS

Administration will further analyze Bill 68 as effective dates for implementation are received from the Province. In the interim, I recommend that work begin to draft a 'Code of Conduct' based on best practice from other Ontario municipalities. This draft will be brought back to Administration & Finance Executive Committee before the end of 2017.

Administration will make inquiries of other regional municipalities to determine whether a collective RFP for an Integrity Commissioner would be something of interest. This is in line with what we have done for the appointment of our Meeting Investigator.

<p>Council's approval of this report will agree with the Administration & Finance Executive Committee to proceed with preparation of a draft 'Code of Conduct' and further inquire with other regional municipalities in regard to a joint RFP to source an Integrity Commissioner.</p>
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