

**Ministry of
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MIN15-66568

Dear Head of Council,

As you know, the *Public Sector and MPP Accountability and Transparency Act, 2014* (the Act) received Royal Assent on December 11, 2014. I am writing to inform you that the amendments in the Act for the municipal sector will come into force on January 1, 2016.

Once proclaimed, the Ontario Ombudsman's role will be expanded to include municipalities. The amendments will provide the authority for the Ontario Ombudsman to investigate complaints respecting municipal matters.

Our government respects municipalities and respects the work of municipal councils and their relationships with their constituents. This is about making sure that every person in every municipality across Ontario has access to an ombudsman. This legislation builds on the current local integrity framework in the *Municipal Act, 2001*, which gives municipalities the powers to develop local integrity frameworks based on local needs and capacity.

The Ontario Ombudsman's role is to conduct investigations and make recommendations. It will be up to the Ontario Ombudsman to determine whether to investigate a municipal matter brought to his or her office's attention. While the Ombudsman could not compel municipalities to take action, the Ombudsman could make recommendations to council and the municipality as part of his or her report. As is the case now for the province, it would be up to a municipality to determine how to proceed after an Ombudsman report.

There will be no change to the current meeting investigator role. Municipalities will still have the power to appoint an investigator to independently investigate whether a municipality or local board has complied with closed meeting requirements of the *Municipal Act, 2001* or the local procedure by-law. The Ontario Ombudsman would not be able to investigate a closed meeting complaint if a local meeting investigator is appointed. As is currently the case, if a municipality does not appoint an investigator, the Ontario Ombudsman acts as the meeting investigator.

This is new legislation, and I recognize there may be some concerns about how the amendments might impact municipalities. I would like to clarify four key points:

1. **The new legislation will not require municipalities to appoint an ombudsman.** Only the City of Toronto must have a locally-appointed ombudsman, as already set out in the City of Toronto Act. All other municipalities could continue to appoint their own ombudsman if they choose. If a municipality other than Toronto has appointed an ombudsman, the Ontario Ombudsman could still conduct an investigation into a complaint to the local ombudsman in that municipality, but only after local ombudsman processes are completed. The Ontario Ombudsman could also include one or more municipalities, including Toronto, in a systemic, broad ranging investigation.

2. **The amendments are not designed to increase costs for municipalities, and costs would not automatically increase for municipalities because of the Ontario Ombudsman's new role.** There may be administrative costs to those municipalities that are responding to the Ombudsman but there would be no other new costs because of the Ombudsman's new role. The Office of the Ontario Ombudsman is funded by the Province of Ontario, and the level of funding is determined by the Legislature. The Ontario Ombudsman does not currently charge a fee -- either annually or by investigation -- and there is no proposal to change that.
3. **The Ontario Ombudsman's office determines how to prioritize matters brought to its attention through complaints.** The amendments will also allow the Ombudsman to examine broad systemic issues that impact a wide range of municipalities and Ontarians.
4. **The amendments will not replace the important work that Ontario municipalities are already doing with regard to accountability and transparency.** Our government understands the importance and value of locally-appointed integrity officers. The amendments ensure that everyone has access to an ombudsman. The Ontario Ombudsman could investigate complaints made to local integrity officers, but only after their complaint processes are completed.

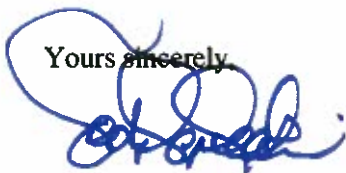
A regulation under the amended *Ombudsman Act* will exempt certain local boards in the municipal sector from the Ontario Ombudsman's oversight. This regulation will come into force January 1, 2016. The amendments to the *Ombudsman Act* will come into force at the same time.

The proposed exemptions are similar to the municipal ombudsman framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006*. The regulation would recognize that oversight systems already exist for some entities by exempting from Ombudsman oversight: children's aid societies, boards of health, committees of management established under the *Long-Term Care Homes Act*, police services boards, and public library boards.

For more information about municipal accountability and transparency in Ontario, including required municipal policies, integrity officers and codes of conduct, please refer to the Municipal Councillors' Guide at <http://www.mah.gov.on.ca/Page5030.aspx>. The Ministry of Municipal Affairs and Housing will be updating the Guide to provide greater detail on the *Public Sector and MPP Accountability and Transparency Act, 2014*. Please see the enclosed for this information in advance of the Ministry posting the updated guide.

Please accept my best wishes.

Yours sincerely,



Ted McMeekin
Minister

Update to Municipal Councillors' Guide

Public Sector and MPP Accountability and Transparency Act, 2014

The Public Sector and MPP Accountability and Transparency Act, 2014 received Royal Assent on December 11, 2014. The amendments in the Act for the municipal sector will come into force on January 1, 2016.

This legislation builds on the current local integrity framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006* (described above), which gives municipalities the powers to develop local integrity frameworks based on local needs and capacity. The amendments will provide the people of Ontario with access to stronger accountability processes by making sure that everyone has access to an ombudsman.

The Ontario Ombudsman plays a crucial role in enhancing transparency in government. It is important to remember that the Ombudsman is there to help serve our citizens better, and to help get government right at all levels.

The amendments will provide the authority for the Ontario Ombudsman to investigate municipal matters. While the Ombudsman could not compel municipalities to take action, the Ombudsman could make recommendations to council and the municipality as part of his or her report. It is up to the municipality whether and how to address any recommendations made by the Ombudsman.

The Ontario Ombudsman's office determines how to prioritize matters brought to its attention through complaints. These changes will allow the Ombudsman to examine broad systemic issues that impact a wide range of municipalities and Ontarians.

The amendments will not require municipalities to appoint an ombudsman. Only the City of Toronto is required to have a locally-appointed ombudsman, as set out in the *City of Toronto Act*. All other municipalities could continue to appoint their own ombudsman if they choose. If a municipality has appointed an ombudsman, the Ontario Ombudsman could still conduct an investigation into a complaint to the local ombudsman in that municipality, but only after local ombudsman processes are completed.

The amendments will work together with local tools to ensure that everyone has access to an ombudsman. Locally-appointed integrity officers and municipal codes of conduct are an important part of Ontario's local accountability framework. The Ontario Ombudsman could investigate complaints made to local integrity officers but only after their complaint processes are completed. The Ontario Ombudsman could also include one or more municipalities, including Toronto, in a systemic, broad ranging investigation.

A regulation under the amended Ombudsman Act will exempt certain local boards in the municipal sector from the Ontario Ombudsman's oversight. This regulation will come into force at the same time as the amendments, January 1, 2016. This regulation recognizes that oversight systems already exist for these entities.

The exemptions are similar to the municipal ombudsman framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006* and will exclude the following from Ontario Ombudsman oversight:

- children's aid societies;
- boards of health;
- committees of management established under the Long-Term Care Homes Act;
- police services boards; and
- public library boards.