



The Corporation of the Town of LaSalle

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| Date | October 30, 2017 | Report No: | CL-19-17 |
| Directed To: | Mayor and Members of Council | Attachments: | |
| Department: | Council Services | Policy References: | |
| Prepared By: | Director Council Services/Clerk | | |
| Subject: | Bill 68 – Modernizing Ontario’s Municipal Legislation Act | | |

RECOMMENDATION:

That the report of the Director Council Services/Clerk CL-19-17 dated October 30, 2017 respecting changes to the Municipal Act, 2001, the Municipal Conflict of Interest Act and Municipal Elections Act through Bill 68, the Modernizing Ontario’s Municipal Legislation Act BE RECEIVED.

REPORT:

Bill 68, Modernizing Ontario’s Municipal Legislation Act (MOMLA) became law on June 1, 2017. MOMLA comes as a result of the Province’s review of the Municipal Act, Municipal Elections Act and the Municipal Conflict of Interest Act. The provincial government is required by legislation to review the Municipal Act every five years. The review focused on three key areas:

- Accountability and Transparency
- Municipal Financial Sustainability
- Responsive and Flexible Municipal Government

Bill 68 includes a number of changes that affect municipalities both administratively and financially.

Codes of Conduct

Previously, municipalities could choose whether or not to have a code of conduct for members of Council and local boards. Each municipality determined the content of its code, if it chose to have one, as well as enforcement provisions. Codes of conduct therefore varied from municipality to municipality but generally addressed the use of municipal resources, gifts and benefits and conduct at council meetings. LaSalle’s Council Code of Conduct was adopted by By-law 6897 on December 11, 2007. As a result of MOMLA, codes of conduct for members of council and local boards are now mandatory as is the requirement to have an integrity commissioner enforce the code of conduct.

The existing Council Code of Conduct will be reviewed in the spring when a regulation is expected to be issued with specifics on the content of codes of conduct. For the purposes of MOMLA and its application, a code of conduct will also be required for all local boards. Local boards are defined as a municipal service board, transportation commission, public library board, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and conservation authority. It is safe to say that the code of conduct will apply to all Town-established committees and the police services board.

The Town entered into an agreement with Robert Swayze for integrity commissioner services in December 2015 and the agreement expires December 14, 2017. There has been some discussion among Essex County municipalities about again issuing a joint request for proposals for an integrity commissioner. If a joint RFP does not proceed, the Town has the option of entering into discussions with Mr. Swayze to renew the agreement. No retainer is paid and fees are billed only when an investigation has commenced. To date, one informal investigation has been undertaken and the integrity commissioner found that there was no requirement to report his findings as the complaint was summarily dismissed.

MOMLA provides that no application for an inquiry by an Integrity Commissioner can be made during the nomination period up to voting day during a regular election. In the case of the 2018 election, this means applications will not be accepted from May 1 to October 22nd.

Meetings

A meeting is now defined as any regular, special or other meeting of a council, local board or committee of either of them, where a quorum of members is present and where members discuss or otherwise deal with a matter in a way that materially advances the business or decision-making of the relevant council, local board or committee.

Electronic participation by council, board and committee members in meetings open to the public is now permitted subject to incorporation in the procedural by-law. A member participating remotely is not counted in determining whether a quorum of members is present. It should be noted that the intention here is to allow the option for electronic participation by members who are unable to physically attend the meeting, rather than those choosing not to attend. The Ministry of Municipal Affairs has indicated that should a council decide to allow for electronic participation, those circumstances under which it is permitted should be narrowly defined in the procedure by-law. For instance, electronic participation may be allowed if a member is ill and unable to attend but not when a member chooses to be away on vacation.

The permitted reasons for meeting in closed session are now expanded to include four additional exemptions to the open meeting rules. Most notably, "negotiations" are now a permitted exemption. The other exemptions mirror wording in the Municipal Freedom of Information and Protection of Privacy Act. The Procedure By-law will be amended to incorporate the new meeting definition and permitted reasons for meeting in closed session.

Closed Meeting Investigation Reports

The municipality or local board must now pass a resolution stating how it intends to address a report provided by a meeting investigator, where the investigator reports on his or her opinion that a meeting has been closed contrary to the open meeting provisions of the Municipal Act. An amendment to the Procedural By-law is required.

Temporary Replacements on Upper-Tier Council

A new section of the Act permits a local municipality to appoint an alternate member of a lower-tier municipality to temporarily replace a person who is a member of both the lower and upper-tier council to attend an upper-tier council meeting. One member would be appointed at the beginning of the council term in the event a temporary replacement is needed. An amendment to the Procedural By-law is required.

Municipal Conflict of Interest Act

Members of Council will be required to submit a written disclosure of interest statement when declaring a conflict of interest at a meeting. The statement would set out the interest and its general nature and be filed with the Clerk as soon as possible after the meeting. The Clerk is now required to establish and maintain a registry of the written conflict statements available for public inspection. Administration will provide a form for use by members of council and amend the Procedure By-law. The Registry will be posted on the Town website for public viewing.

Pregnancy/Parental Leaves – Council Members

Section 259 of the Municipal Act sets out circumstances where a council member's office becomes vacant. A new subsection has been added to provide that an office is not vacated due to absences related to pregnancy or the birth or adoption of the member's child. A policy for pregnancy/parental leave for council members will be developed.

Elections Act

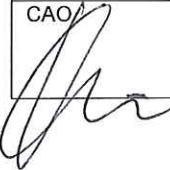
Council is already aware that Bill 181 changed the nomination period to commence on May 1st of the election year and ending on the last Friday in July (July 27, 2018). MOMLA also changed the term of office of Council and accordingly, the next term of council will be December 1, 2018 to November 14, 2022. Thereafter, the council term will begin on November 15th of the election year. The potential lame duck period is thereby shortened.

MOMLA provides for an increase to the maximum campaign contribution limit to a single candidate or third party advertiser from \$750 to \$1200 consistent with provincial elections. A new formula for calculation of the amount that a candidate and spouse may contribute to the candidate's own campaign is now in place and is generally \$7500 plus .20 cents per eligible elector for the head of council and \$5000 plus .20 cents per eligible elector for all other offices. The 2018 candidate guide will address this and other changes.

The necessary amendments to the Procedure By-law and form for submission of disclosures of conflict of interest will be brought back to Council.



Brenda Andreatta - Director of Council Services

| Reviewed by: | | | | | | | |
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| CAO  | Finance | Council Services | Public Works | DSI | Culture & Rec | Fire | |