

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 5, Report No. 28, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 23, 2015.

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MUNICIPAL ELECTIONS ACT, MUNICIPAL ACT, AND MUNICIPAL CONFLICT OF INTEREST ACT REVIEW

The Committee of the Whole (Working Session) recommends approval of the recommendation contained in the following report of the City Clerk, dated June 17, 2015:

Recommendation

The City Clerk, in consultation with the Interim Commissioner of Legal & Administrative Services/City Solicitor recommends:

1. That the City Clerk be requested to compile comments from Members of Council and City Staff respecting proposed modifications to:
 - a. the *Municipal Elections Act*;
 - b. the *Municipal Act*; and
 - c. the *Municipal Conflict of Interest Act*;
2. That a draft formal resolution be prepared based upon the comments received with respect to the *Municipal Elections Act* for consideration at a Special Meeting of the Committee of the Whole and Council in July 2015; and
3. That a second draft formal resolution be prepared based upon the comments received with respect to the *Municipal Act* and the *Municipal Conflict of Interest Act* for consideration of the Committee of the Whole and Council in September 2015.

Contribution to Sustainability

The *Municipal Elections Act*, the *Municipal Act*, and the *Municipal Conflict of Interest Act* are part of the legislative framework which supports democracy, openness and transparency which, in turn, contribute to the sustainability of the City and good government.

Economic Impact

The economic impact associated with potential legislative change is unknown at this time. A draft submission for Council's consideration will be prepared through the use of existing internal resources.

Communication Plan

A formal resolution from Council will be submitted to the Ministry of Municipal Affairs and Housing.

Purpose

The purpose of this report is to provide Council with information with respect to two separate reviews underway by the Ministry of Municipal Affairs and Housing to reform the *Municipal Elections Act*, *Municipal Act* and the *Municipal Conflict of Interest Act*, and to establish a coordinated approach for submitting comments on behalf of the City of Vaughan.

This report is being submitted as an addendum because the Ministry of Municipal Affairs and Housing only recently released details respecting the reviews and has established a limited consultation period for the making of submissions.

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Background- Analysis and Options

Municipal Elections Act Review

On September 25, 2014, the Premier provided the Minister of Municipal Affairs and Housing with a mandate letter, identifying Municipal Governance Review as a priority for the provincial government.

The mandate letter identified Municipal Governance Review, more specifically, a review of the *Municipal Elections Act*, as a priority for the year. The *Municipal Elections Act* is normally reviewed following each municipal election.

The mandate letter noted that the focus of the review is to ensure that the *Municipal Elections Act* meets the needs of communities and provides municipalities the option of using ranked ballots as an alternative to first-past-the-post elections, beginning in 2018.

On May 28, 2015, the Ministry of Municipal Affairs and Housing announced the review of the *Municipal Elections Act*.

The public, Members of Council and City Staff may provide direct submissions to the Ministry on the proposed reforms to the *Municipal Elections Act* until July 27, 2015, either via mail or email or online. As noted in the mandate letter, the focus of the review is to provide municipalities with the option of using ranked ballots beginning in 2018. In addition to ranked ballots, the Ministry has identified additional themes to focus on for the review, including campaign finance, third party advertising, accessibility, and enforcement. Attachment 1 to this report contains a copy of the Ministry's public consultation guide for the *Municipal Elections Act* Review

Municipal Legislation Review

On June 5, 2015, Ministry of Municipal Affairs and Housing announced the review of the *Municipal Act* and the *Municipal Conflict of Interest Act*.

On June 5, 2015, Ministry of Municipal Affairs and Housing announced a second review, referred to as the Municipal Legislation Review, to review the *Municipal Act* and the *Municipal Conflict of Interest Act*. This Municipal Legislation Review also includes the review of the *City of Toronto Act*; however, this statute will not be discussed in this report as it does not pertain to the City of Vaughan. Again, the public, Members of Council, and City Staff may provide submissions to the Ministry until August 7, 2015, via mail or email or online. In a letter from the Minister of Municipal Affairs and Housing to the Mayor of the City of Barrie on June 5, 2015, it has been confirmed that municipalities may provide submissions on the *Municipal Act* and the *Municipal Conflict of Interest Act* until October 31, 2015, as many councils meet less frequently over the summer months, similar to the City of Vaughan. Attachment 2 of this report contains this letter that outlines the extended submission deadline.

The Ministry has identified three themes within the focus of the review: accountability and transparency, municipal financial sustainability, and responsive and flexible municipal government. Attachment 3 to this report contains a copy of the Ministry's public consultation guide for the Municipal Legislation Review.

Municipal Sector Response

York Region Area Clerks' Working Group is providing a joint-submission to the Ministry of Municipal Affairs and Housing with respect to the *Municipal Elections Act* Review.

The York Region Area Clerks' Working Group, an informal association of the Municipal Clerks located within the York Region Area, attended a Ministry of Municipal Affairs and Housing

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consultation on the *Municipal Elections Act* Review at the City of Markham on June 5, 2015. During their business meeting following the Ministry consultation, the York Region Area Clerks' Working Group resolved to provide a formal joint-submission to the Ministry on those election matters exclusively within the jurisdiction of Municipal Clerks in administering elections, or which impact upon the fair and efficient delivery of elections. The joint-submission is currently being completed and each participating Municipal Clerk will be providing the resulting document to their respective councils.

Other organizations and individuals will be providing submissions to the Ministry of Municipal Affairs and Housing with respect to both the *Municipal Elections Act* Review and the Acts included within the Municipal Legislation Review.

The Association of Managers, Clerks and Treasurers of Ontario (AMCTO) has established a *Municipal Elections Act* Advisory Group to provide a submission to Ministry of Municipal Affairs and Housing with respect to the *Municipal Elections Act* Review on behalf of AMCTO. The Deputy City Clerk is a member of this advisory group. A separate team has been tasked with providing commentary on the Province's ranked ballot initiative.

Similarly, AMCTO is in the process of establishing a *Municipal Act* Advisory Group to be chaired by the City Clerk.

The Association of Municipalities of Ontario (AMO) will also be providing a submission to Ministry of Municipal Affairs and Housing with respect to the *Municipal Elections Act* Review, as well as the Municipal Legislation Review. This is expected to be completed by the end of June. AMO has encouraged its members to provide them with any input they may have.

City of Vaughan Response

Given the limited consultation period for the *Municipal Elections Act* Review and the Municipal Legislation Review, the City of Vaughan should coordinate its approach for its submission to the Ministry of Municipal Affairs and Housing as soon as possible in order to ensure that the political and administrative concerns of Members of Council and City Staff, respectively, are effectively conveyed in a timely manner.

As noted, the deadlines for submissions on the *Municipal Elections Act* Review and the Municipal Legislation Review are July 27, 2015 and August 7, 2015, respectively, with an extension provided for municipalities until October 31, 2015 for submissions for the Municipal Legislation Review. This is a limited consultation period as the reviews were only recently announced.

In order to ensure that the political and administrative concerns of Members of Council and City Staff, respectively, are effectively conveyed in a timely manner to the Ministry of Municipal Affairs and Housing, this report recommends that the City Clerk be requested to compile comments from Members of Council and City Staff respecting proposed modifications to the *Municipal Elections Act*, the *Municipal Act*, and the *Municipal Conflict of Interest Act*. It is further recommended that a draft formal resolution be prepared, by the City Clerk, based upon the comments received with respect to the *Municipal Elections Act* for consideration at a Special Meeting of the Committee of the Whole and Council in July 2015. This first draft formal resolution is to address the July 27, 2015 submission deadline for the *Municipal Elections Act*. It is further recommended that a second draft formal resolution be prepared based upon the comments received with respect to the *Municipal Act* and the *Municipal Conflict of Interest Act*, for consideration of the Committee of the Whole and Council in September 2015. Both draft formal resolutions may subsequently be forwarded to the Ministry of Municipal Affairs and Housing, pending Council's decision.

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It should be noted that City Staff will partner with AMCTO, York Region Area Clerks' Working Group, and similar staff associations and working groups to develop potential legislative reforms for consideration.

Relationship to Vaughan Vision 2020/Strategic Plan

This report promotes the following strategic goals of Vaughan Vision 2020/Strategic Plan:

Service Excellence

- Demonstrate Excellence in Service Delivery

Organizational Excellence

- Ensure a High Performing Organization
- Ensure Financial Sustainability

Staff Excellence

- Demonstrate Effective Leadership

Regional Implications

There are no regional implications associated with this report.

Conclusion

The current *Municipal Elections Act* Review and Municipal Legislation Review is an important opportunity for the City of Vaughan to provide the Ministry of Municipal Affairs and Housing with constructive comments and proposed modifications for three key pieces of municipal legislation. A coordinated approach to responding to both reviews will ensure that the political and administrative concerns of Members of Council and City Staff, respectively, are effectively conveyed to the Ministry. Given the limited time period of the consultation process, the recommendations contained in this report are required to ensure the City of Vaughan's submission is provided to the Ministry in a timely manner.

Attachments

Attachment 1 – *Municipal Elections Act* Review Public Consultation Discussion Guide

Attachment 2 – Letter from the Ministry of Municipal Affairs and Housing to the Mayor of the City of Barrie

Attachment 3 – Municipal Legislation Review Public Consultation Discussion Guide

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)