

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.

5

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.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 5, CW(WS) Report No. 28 – Page 2

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 5, CW(WS) Report No. 28 – Page 3

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.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 5, CW(WS) Report No. 28 – Page 4

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

Report Prepared by:

Adam Payler
AMCTO Municipal Management Intern

(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.)

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

Recommendations

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.

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 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.

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

Report Prepared by:

Adam Payler

AMCTO Municipal Management Intern

Respectfully submitted,

Jeffrey A. Abrams
City Clerk



MUNICIPAL ELECTIONS ACT REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

Spring 2015

ontario.ca/municipalelections

MUNICIPAL ELECTIONS ACT REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

TABLE OF CONTENTS

INTRODUCTION	1
Objectives	1
What is Being Reviewed?	1
Ways to Get Involved	1
USER INFORMATION	2
OVERVIEW OF THE MUNICIPAL ELECTIONS ACT	2
Questions on Voting in Municipal Elections	3
CAMPAIGN FINANCE	3
Campaign Finance Questions	4
THIRD PARTY ADVERTISING	4
Third Party Advertising Question	4
ACCESSIBILITY	4
Accessibility Question	5
ENFORCEMENT	5
Enforcement Question	5
RANKED BALLOTS	5
Municipal Choice	6
Why Ranked Ballots?	6
PUBLIC CONSULTATION	7
Ranked Ballot Public Consultation Questions	7
Public Reporting of Election Results	8
Ranked Ballot Election Public Reporting Question	8
Other Decisions Regarding Ranked Ballots	8
Other Comments on Ranked Ballots	8
WHAT'S NEXT?	8

INTRODUCTION

Municipalities are the government level closest to people in communities. They provide front-line services like public transportation, garbage collection and recreation facilities. They also deal with other local issues like fixing local roads and collecting property taxes.

The Ministry of Municipal Affairs and Housing reviews the Municipal Elections Act after each Ontario municipal election to determine if it meets the needs of Ontario communities.

This is your opportunity to help shape important provincial legislation and have your say about specific parts of the legislation and broader municipal election-related themes.

Objectives

We want to make sure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run.

We also want to allow more choice for municipalities in how municipal elections are run. As part of our review of the Municipal Elections Act, we will explore how we could give municipalities the option of using ranked ballots in their elections as an alternative to the current system.

What is Being Reviewed?

The government will focus on the following five themes:

1. Campaign finance
2. Third party advertising
3. Accessibility
4. Enforcement
5. Ranked ballots

Ways to Get Involved

We want to hear from Ontarians across the province. To share your feedback with the government through this workbook, there are a number of options:

Online: access this workbook online at ontario.ca/municipalelections and follow the survey links.

E-mail: e-mail your responses to some or all of the questions with any other comments or questions you may have about the review to mea.info@ontario.ca

Mail: send a written submission with your suggestions for changes to the legislation, or any other comments to:

Municipal Elections Act Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto ON M5G 2E5

Please note that the deadline for submitting comments is **July 27, 2015**.

USER INFORMATION

To help us make the most effective use of your comments, please consider identifying your municipality or, if you prefer, your geographic region of the province (for example, Southwestern Ontario) or whether you live in a rural or urban area.

If you are providing comments on behalf of an organization, please provide its name. If you are providing comments on behalf of a municipality, please provide its name and indicate whether the submission has been endorsed by a council resolution.

Your responses may be used for the purposes of the Ministry's consultation process. Please note the Ministry may summarize and share them, including with other ministries and the public. Names of organizations and persons who indicate an affiliation may also be shared.

Please do not provide any additional personal or identifying information such as opinions about individuals or names and addresses as part of your response.

OVERVIEW OF THE MUNICIPAL ELECTIONS ACT

The Municipal Elections Act covers the conduct of municipal and school board elections in Ontario. In addition to setting out rules for candidates and voters, it also sets out rules for the administration of elections, including:

- questions on the ballot (also known as referendums)
- roles and responsibilities of the municipal clerk in administering municipal elections
- roles and responsibilities of the municipal council, school board, school board secretary, candidates and voters
- rules related to voting
- voter and candidate eligibility
- methods of voting, including use of internet, telephone and vote by mail
- campaign and campaign finance rules
- compliance, enforcement and penalties
- important dates in the election cycle, including the length of the campaign period and voting day

For more information on the Municipal Elections Act, you may wish to read the following additional materials:

- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado
- Ontario e-laws: ontario.ca/e-laws

For the complete legislation, please visit Ontario e-laws at Municipal Elections Act, 1996.

Questions on Voting in Municipal Elections

We are interested in your experience taking part in Ontario municipal elections. Please answer the following questions to let us know your views on the municipal election process and how you think we can improve the Municipal Elections Act. In your responses, you may want to consider:

- how the election is run,
 - rules related to voting,
 - voter and candidate eligibility,
 - methods of voting,
 - the campaign period, including the length of the municipal election campaign.
1. From your experience, what parts of municipal elections in Ontario currently work well?
 2. From your perspective, what parts of municipal elections in Ontario should be changed?
 3. Is there anything else you want to tell us about your experience with municipal elections?

CAMPAIGN FINANCE

Campaign finance refers to all of the funds raised or spent during an election campaign. This includes the value of contributions of goods and services as well as cash.

The Municipal Elections Act sets out the municipal campaign finance rules that candidates and campaign contributors must follow. For example, under the Act, any person who is a resident of Ontario may make a contribution to a municipal candidate's campaign at a maximum of \$750 to a single candidate (\$2,500 to a mayoral candidate in the City of Toronto).

The Ministry intends to review the financial rules in the Municipal Elections Act to see if the rules are consistent and set out transparent, accountable, fair and modern election finance practices.

For further information on the campaign finance rules set out in the Municipal Elections Act, please refer to:

- Municipal Elections Act, 1996: ontario.ca/cadk
- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado

Campaign Finance Questions

Please answer the following questions to let us know about your experience with campaign finance rules under the Municipal Elections Act.

1. If you were a voter, candidate or supporter of a candidate, what was your experience with financing an election campaign? What areas might be improved, and how?
 - In your response, consider areas where you felt that the process was complex or difficult, and any ideas for simplifying the process or making it easier to understand.

THIRD PARTY ADVERTISING

In the context of an election, a third party is an individual or group that is not a candidate.

A third party advertisement is a message that is not paid for or sponsored by a candidate. A third party advertisement either supports or opposes a candidate or takes a position on an issue.

A third party advertisement can be communicated through radio, television, newspaper, the internet or any other type of media. Campaign buttons, signs, or other things that identify supporters or opponents of any candidate can also be types of third party advertising.

Currently, there are rules for people who want to campaign for the “yes” or “no” side of a municipal question on the ballot. There are no rules for third party advertising that supports or opposes a candidate (or candidates) in Ontario municipal elections.

Third Party Advertising Question

Please tell us about your thoughts on third party advertising in municipal elections.

1. Should there be rules for third party advertising? If so, what should these rules require?

ACCESSIBILITY

Municipal clerks, who are responsible for conducting municipal elections, must consider the needs of voters and candidates with disabilities. Under the Municipal Elections Act, all voting places in municipal elections must be accessible to people with disabilities.

We want to determine if the accessibility rules under the Municipal Elections Act meet the needs of Ontarians.

Accessibility Question

Please tell us about your thoughts and, experience with accessibility in municipal elections.

1. Have you experienced accessibility challenges or barriers related to voting or running for office? If so, what were those challenges and what would help overcome those barriers?

ENFORCEMENT

The Municipal Elections Act sets out some automatic penalties for candidates that break rules set out in the Act. For example, if a candidate fails to file a financial statement that candidate automatically loses their office (if they won the election). He or she also becomes ineligible to serve on municipal council until after the next municipal election.

Not all penalties are automatic. For example, if a voter believes that a candidate has broken the election finance rules, they may apply for a review, called a compliance audit, of the candidate's campaign finances.

For further information on the enforcement tools in the Municipal Elections Act, please refer directly to:

- Municipal Elections Act, 1996: ontario.ca/cadk
- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado

Enforcement Question

Please tell us about your thoughts and, experience with enforcement tools under the Act.

1. Do you feel that municipal election rules are effectively enforced?
Why? Why not?

RANKED BALLOTS

Ontario has committed to providing municipalities with the option of using ranked ballots in future elections, starting in 2018, as an alternative to the current system.

Ranked ballots allow a voter to rank candidates in order of preference (first choice, second choice, third choice, etc.) instead of just voting for one candidate.

There are different degrees to which ranked ballots could be used. For example, some municipalities in other countries use ranked ballots for all of council. Some other municipalities use ranked ballots for only the mayor or head of council while the rest of council is elected using a first past the post system.

Please note that ranked ballots are not being considered for school boards. If a municipality decided to use ranked ballots to elect council positions, voters would still use the current voting method to vote for school board trustee.

Municipal Choice

Municipalities already have a lot of flexibility in the way they run their elections. Introducing ranked ballots as an option for municipalities would add to the range of options available to decide how we elect local representatives.

Every municipality must have a council of at least five members, but municipalities may decide to have more than five members.

Municipalities can also make decisions about how to structure their council. For example, many municipalities divide their territory into wards (often determined by population) and each ward elects one or more representatives to council.

Some municipalities do not use wards and choose to elect their entire council at-large. Others use a combination of wards and at-large representatives.

Municipalities also have a number of choices in the way voting works. Municipalities can make decisions on how voters cast their ballots. By default, Ontario voters vote in municipal elections in person at their voting place. However, the Municipal Elections Act allows municipalities to decide to use alternative voting methods to cast ballots and many municipalities have decided to do so. For example, in many municipalities, voters may have the option of voting online, by mail or via telephone.

Why Ranked Ballots?

Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement.

As an example of how ranked ballots work, let's assume you voted for three candidates, you marked a "1" next to your first choice candidate's name, a "2" next to your second choice, and a "3" next to your third choice. If your first choice candidate is eliminated, ranked ballots take into account the next choices on your ballot. This helps to ensure that the winning candidate(s) receive support from a majority of voters more often.

By giving voters more choice, ranked ballots may also:

- reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate in an election because they think their first choice candidate may not win the election.
- reduce negative campaigning — since voters can rank multiple candidates, there is an incentive for candidates to appeal to voters not just as a first preference vote, but also to gain a high ranking from supporters of other candidates.

- encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced.

There are two kinds of elections that are used in Ontario municipalities: single-member elections and multi-member elections.

Single-member elections are elections where only one candidate will win, such as:

- Elections for mayor
- A ward election where one person will be elected to represent the ward

Multi-member elections are elections where more than one candidate will win a seat, such as:

- When council members are elected at large
- A ward election where two or more people will be elected to represent the ward

In a ranked ballot election, there may be multiple rounds of counting before a candidate is declared the winner.

Single-member ranked ballot elections use a system called Ranked Choice Voting (RCV). Multi-member ranked ballot elections use a system called Single Transferrable Vote (STV).

You can find more information on ranked ballot elections, including how votes are counted in single-member and multi-member elections at ontario.ca/caeh.

PUBLIC CONSULTATION

Changing the voting system is a big decision for a municipality and its residents. There are a number of ways municipalities can consult their residents about council decisions.

The public could also be given the ability to formally petition council to adopt ranked ballots and require that council hold a referendum to determine if voters support the use of ranked ballots.

We’re interested in your views on how the public should be involved in municipal decision making on ranked ballots.

Ranked Ballot Public Consultation Questions

1. What are your thoughts on using ranked ballots for Ontario municipal elections?
2. Should municipalities be able to use ranked ballots for certain offices and not others? For example, only for mayor?
3. Should public consultation by a municipality be required before implementing ranked ballots or before changing from ranked ballots back to the current system?
4. What form should that consultation take?

Public Reporting of Election Results

Unlike the current system, ranked ballots can involve multiple rounds of counting before all the seats to be elected have been won.

Ranked Ballot Election Public Reporting Question

1. How much information would you want about election results? For example, where there have been multiple rounds of counting would you want to see the results of each round of counting or just the final results?

Other Decisions Regarding Ranked Ballots

There are a number of other important decisions that the province will need to consider when determining how ranked ballots could work in Ontario. Throughout this review we will be consulting with Ontarians, municipalities and experts on ranked ballots to help us make these decisions.

Other Comments on Ranked Ballots

1. Are there other ideas you wish to share on ranked ballots that you would like us to consider?

WHAT'S NEXT?

After the Ministry of Municipal Affairs and Housing has received all public submissions and input on the Municipal Elections Act review, we will assess the feedback received and develop recommendations for the government on how to improve the Municipal Elections Act. We hope to communicate the results of this process as they become available later this year.

For further information on the Municipal Elections Act, you may wish to read the following additional materials:

- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado
- Ontario e-laws: ontario.ca/e-laws

Thank you for providing your comments. Your feedback is very important to us and will be essential to improving the Municipal Elections Act so that it is better able to meet the needs of Ontario communities while maintaining a fair election process.



Ministry of Municipal Affairs and Housing

© Queen's Printer for Ontario, 2015

ISBN 978-1-4606-5824-6 (PDF)

05/15

Disponible en français

From: Minister Ted McMeekin <minister.mah@ontario.ca>
Sent: Friday, June 05, 2015 12:01 PM
To: Office of the Mayor
Subject: Letter from Minister McMeekin

Ministry of
Municipal Affairs
and Housing

Ministère des
Affaires municipales
et du Logement

Office of the Minister

Bureau du ministre

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel. 416-585-7000
Fax 416-585-6470
www.ontario.ca/MAH

777, rue Bay, 17e étage
Toronto ON M5G 2E5
Tél. 416-585-7000
Téléc. 416-585-6470
www.ontario.ca/MAH



MIN2015-66671

Your Worship
Mayor Jeff Lehman
City of Barrie
P.O. Box 400 70 Collier Street
Barrie ON L4M 4T5

Dear Mayor Lehman,

I am pleased to announce that the Government of Ontario, led by the Ministry of Municipal Affairs and Housing, will be reviewing four pieces of municipal legislation – the Municipal Act, the City of Toronto Act, the Municipal Conflict of Interest Act, and the Municipal Elections Act. I am writing to inform you of our plans for consultation because we understand the importance of engaging with municipalities during these reviews.

As you may know, in 2004 to 2006, the government undertook reviews of the Municipal Act and the City of Toronto Act in close consultation with the municipal sector. These reviews led to significant amendments to the Municipal Act and provided the City of Toronto with its own legislation. Since the amendments to the Municipal Act and the City of Toronto Act came into effect in early 2007, all municipalities have access to broad powers to pass by-laws within their jurisdiction.

The purpose of the reviews is to help ensure municipalities have the powers and flexibility they need to effectively and creatively serve their communities. We want to ensure our local governments remain strong, financially-sustainable and accountable.

This process will integrate the reviews of the Municipal Act, City of Toronto Act, and Municipal Conflict of Interest Act to examine key, cross-cutting issues of interest to the government, municipalities, and Ontarians. The government is proposing key themes and questions to help identify priority areas and opportunities for exploring change during consultation.

As part of the Municipal Elections Act review we want to make sure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run. The review will also explore how we could give municipalities the option of using ranked ballots in their elections as an alternative to the current system.

Your municipality may be interested in each of these acts broadly, or in one or more specific subjects. We are interested in hearing from you and your council colleagues about which areas of the acts are working, and where improvements to the legislation can be made as we continue to build strong, vibrant communities across Ontario.

I welcome your municipality's comments through written submissions or resolutions which may be sent by e-mail to municipalreview@ontario.ca or by regular mail to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

Please note that your submission may be summarized and shared with the public as part of the consultation process.

We are requesting your comments on the Municipal Elections Act review within the 60 day consultation window. We are expediting this review to ensure that any changes to the legislation, if passed, will be completed and in place so that municipalities that wish to consider ranked ballot elections have sufficient time to prepare before the 2018 election.

I recognize councils may meet less frequently as summer begins and that you may wish to submit your comments on the reviews by resolution. For that reason, we will receive municipalities' comments on the Municipal Act, City of Toronto Act and Municipal Conflict of Interest Act review until October 31, 2015.

In addition, the Ministry of Municipal Affairs and Housing will be collecting comments on the legislation through online discussion guides. The discussion guides provide additional detail about the legislation under review, and provide opportunities to comment directly on one or more topics of interest.

The discussion guide for the integrated review of the Municipal Act, City of Toronto Act, and Municipal Conflict of Interest Act can be accessed at ontario.ca/provincialmunicipalreview. The discussion guide for the separate review of the Municipal Elections Act is at ontario.ca/municipalelections.

I encourage you and your council colleagues to make your residents, staff, and stakeholders aware of the resources available online and the opportunities to comment as part of these reviews.

Over the summer, the Ministry of Municipal Affairs and Housing will be working to collect, organize, and begin analysis on what we heard from Ontarians and our municipal sector partners.

We look forward to receiving your comments.

Please accept my best wishes.

Yours sincerely,



Ted McMeekin
Minister

c: Gary McNamara
President
Association of Municipalities of Ontario

Madame la Présidente ou Monsieur le Président du conseil,

J'ai le plaisir d'annoncer que le gouvernement de l'Ontario, sous la direction du ministère des Affaires municipales et du Logement, procèdera à l'examen de quatre lois s'appliquant aux municipalités – la Loi de 2001 sur les municipalités, la Loi de 2006 sur la cité de Toronto, la Loi sur les conflits d'intérêts municipaux, et la Loi de 1996 sur les élections municipales. La présente vise à vous informer de nos plans en vue de la consultation, car nous savons combien il importe de faire participer les municipalités à ces examens.

Comme vous le savez peut-être, de 2004 à 2006, le gouvernement a entrepris l'examen de la Loi de 2001 sur les municipalités et de la Loi de 2006 sur la cité de Toronto en étroite concertation avec le secteur municipal. Par suite de cet examen, des modifications importantes ont été apportées à la Loi de 2001 sur les municipalités, et une loi propre à la cité de Toronto a été adoptée. Depuis l'entrée en vigueur des modifications à la Loi de 2001 sur les municipalités et de la Loi de 2006 sur la cité de Toronto en 2007, toutes les municipalités jouissent de pouvoirs étendus d'adopter des règlements municipaux dans leur territoire.

L'examen de ces lois vise à ce que les municipalités disposent des pouvoirs et de la souplesse dont elles ont besoin pour faire preuve de créativité et d'adaptabilité dans la prestation de services à leurs collectivités. Nous voulons faire en sorte que nos administrations locales restent fortes, financièrement viables et responsables.

Le processus réunira les examens de la Loi de 2001 sur les municipalités, de la Loi de 2006 sur la cité de Toronto et de la Loi sur les conflits d'intérêts municipaux afin d'étudier les principales questions transversales qui intéressent le gouvernement, les municipalités et les Ontariens et Ontariennes. Le gouvernement propose des thèmes clés et des questions qui devraient permettre de préciser les questions prioritaires et de relever les possibilités de changement au cours de la consultation.

Grâce à l'examen de la Loi de 1996 sur les élections municipales, nous voulons nous assurer que les règles qui régissent comment les dirigeants municipaux sont élus soient claires et simples et correspondent à la façon dont les campagnes et élections modernes devraient se dérouler. Cet examen permettra aussi d'étudier comment nous

pourrions autoriser les municipalités à utiliser le scrutin préférentiel au lieu du système actuel pour leurs élections.

Votre municipalité pourrait être intéressée par chacune de ces lois généralement ou par un ou plusieurs sujets particuliers. Nous aimerions que vous et vos collègues du conseil nous indiquiez quelles sont les parties des lois qui fonctionnent et quelles améliorations pourraient y être apportées pour que nous continuions d'édifier des collectivités fortes et dynamiques partout en Ontario.

J'invite votre municipalité à formuler des observations écrites ou des résolutions et à les envoyer par courriel à municipalreview@ontario.ca ou par la poste à :

Examen de la législation sur les municipalités
Ministère des Affaires municipales et du Logement
Direction des politiques relatives aux administrations locales
777, rue Bay, 13e étage, Toronto ON M5G 2E5

Veuillez noter que vos observations pourraient être résumées et communiquées au public dans le cadre du processus de consultation.

Nous vous demandons de nous faire part de vos commentaires sur l'examen de la Loi de 1996 sur les élections municipales au cours de la période de consultation de 60 jours. Nous accélérons cet examen afin que toute modification éventuelle à la Loi puisse être effectuée et mise en vigueur pour que les municipalités qui souhaitent adopter le scrutin préférentiel aient suffisamment de temps pour se préparer avant les élections de 2018.

Je suis conscient que les conseils se réunissent peut-être moins souvent alors que débute l'été et que vous pourriez vouloir adopter une résolution pour présenter vos observations sur les examens. Par conséquent, nous accepterons jusqu'au 31 octobre 2015 les commentaires formulés par les municipalités concernant l'examen de la Loi de 2001 sur les municipalités, de la Loi de 2006 sur la cité de Toronto et de la Loi sur les conflits d'intérêts municipaux.

De plus, le ministère des Affaires municipales et du Logement recueillera des commentaires sur ces lois par l'entremise de guides de discussion en ligne. Ces guides fournissent des renseignements plus détaillés sur les lois faisant l'objet d'un examen et permettent de formuler directement des observations sur un ou plusieurs sujets d'intérêt.

Le guide de discussion sur l'examen intégré de la Loi de 2001 sur les municipalités, de la Loi de 2006 sur la cité de Toronto et de la Loi sur les conflits d'intérêts municipaux est accessible à ontario.ca/examenprovincialmunicipal. Le guide de discussion sur l'examen distinct de la Loi de 1996 sur les élections municipales peut être consulté à ontario.ca/electionsmunicipales.

Je vous encourage, vous et vos collègues du conseil, à informer la population de votre municipalité, votre personnel et les intervenants des ressources accessibles en ligne et de la possibilité de formuler des commentaires dans le cadre de ces examens.

Pendant l'été, le ministère des Affaires municipales et du Logement rassemblera et organisera les observations que lui auront formulées les Ontariens et Ontariennes et ses partenaires du secteur municipal et en commencera l'analyse.

En attendant de recevoir vos observations, je vous souhaite beaucoup de succès et vous prie d'agréer, Madame ou Monsieur, l'expression de mes sentiments distingués.

Le ministre,

A handwritten signature in black ink, appearing to read "Ted McMeekin". The signature is stylized with large, flowing loops and a prominent initial "T".

Ted McMeekin

- c. Gary McNamara
Président
Association des municipalités de l'Ontario

MUNICIPAL LEGISLATION REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

June 2015

ontario.ca/provincialmunicipalreview

MUNICIPAL LEGISLATION REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

TABLE OF CONTENTS

Chapter 1: Introduction	1
What is Being Reviewed?	1
Municipalities in Ontario	1
Municipal Legislation Review: Goals	2
Ways to Get Involved	2
User information	3
Chapter 2: Municipal Legislation in Ontario	4
Municipal Act Overview	4
City of Toronto Act Overview	6
Municipal Conflict of Interest Act Overview	6
Chapter 3: Accountability and Transparency	7
Codes of Conduct	7
Discussion	8
Integrity Officers	8
Discussion	9
Conflicts of Interest	10
Discussion	11
Open Meetings	11
Discussion	12
Discussion (Accountability and Transparency – General)	12
Chapter 4: Municipal Financial Sustainability	13
What is Municipal Financial Sustainability?	13
Municipal Budgets and Financial Reporting	13
Municipal Revenue Sources/Financial Tools	14
Municipal Capital Finance	16
Other Tools	19
Municipal Asset Management Planning	20
Discussion (Municipal Financial Sustainability)	21
Chapter 5: Responsive and Flexible Municipal Government	22
Introduction	22
Division and Transfer of Powers between Upper- and Lower-Tier Municipalities	22
Discussion (Division and Transfer of Powers)	24
Climate Change	24
Discussion (Climate Change)	25
Local Representation	25
Discussion (Regional Municipality Council Representation)	26
Chapter 6: What's Next	27
Next Steps — What We Heard	27
Other Ways to Get Involved	27
Further Reading	27

CHAPTER 1: INTRODUCTION

Municipalities are the government level closest to people in communities. They provide front-line services like public transportation, garbage collection, and recreation facilities. They also deal with other local issues like fixing local roads and collecting property taxes.

All Ontarians want strong, vibrant communities where they can live, work and raise families. That means Ontario municipalities need to be financially sustainable, open and accountable. That's why we want to ensure they are using, and have in place, the tools and powers to make that happen.

WHAT IS BEING REVIEWED?

Ontario is reviewing three key elements of Ontario's municipal legislative framework: the Municipal Act, the City of Toronto Act, and the Municipal Conflict of Interest Act.

The government is required by legislation to review the Municipal Act and City of Toronto Act every five years. The government is reviewing these Acts at the same time, along with the Municipal Conflict of Interest Act.

We want to hear from municipalities, organizations, elected officials, experts, and Ontarians in every part of the province about how this legislation might be improved. We are interested in all suggestions. Based on what we've heard to date from members of the public, municipalities and other interested groups, there are three main themes that this review will focus on:

- 1. Accountability and Transparency;**
- 2. Municipal Financial Sustainability; and**
- 3. Responsive and Flexible Municipal Government.**

This discussion guide is your chance to have your say about these themes and to share your ideas on these important pieces of legislation.

MUNICIPALITIES IN ONTARIO

There are 444 municipalities in Ontario, ranging from large urban centres to small, rural towns with very small populations. Many factors, such as whether a municipality is part of a county or regional government, can influence how a municipality is governed and how it delivers services.

In Northern Ontario, most of the population lives in municipalities, but most of the land mass is "unorganized territory" – areas of the province without municipal organization. In some of these areas, local services boards and local roads boards deliver basic community services to

residents. Because of this diversity, the needs, priorities and capacity of municipalities in the province can vary widely.

The Municipal Act and the City of Toronto Act (for Toronto) provide the primary legislative framework, setting out the roles, responsibilities and powers for Ontario's municipalities. However, municipalities also get their responsibilities and powers from over 100 provincial acts, such as: the Highway Traffic Act, the Police Services Act, the Ambulance Act and the Ontario Heritage Act.

MUNICIPAL LEGISLATION REVIEW: GOALS

We want to ensure our local governments remain strong and financially-sustainable, and that they have the tools to be flexible, responsive and accountable to the people they serve.

While the government's view is that these pieces of legislation are generally working well, the government regularly receives suggestions for improvement from municipalities, stakeholders, and the public. The Ministry of Municipal Affairs and Housing (MMAH) will consider all suggestions for change as part of this review. Issues raised that are outside the scope of this review or outside the scope of the ministry will be shared with the appropriate area of the provincial government for future consideration.

WAYS TO GET INVOLVED

We want to hear your concerns and suggested solutions on the Municipal Act, the City of Toronto Act and the Municipal Conflict of Interest Act. We want to hear what is working, what could work better, and your innovative ideas for addressing challenges together.

There are a number of ways to share your feedback:

Online Discussion Guide: access this discussion guide online at ontario.ca/provinciamunicipalreview and complete the discussion questions on one or more themes.

E-mail: e-mail your suggestions for changes to the legislation, or any other comments or questions you may have about the reviews, to municipalreview@ontario.ca.

Mail: send a written submission with your suggestions for changes to the legislation, or any other comments to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

If you want to share your views on the Municipal Elections Act, which is also under review, please see ontario.ca/municipalelections.

USER INFORMATION

To help us make the most effective use of your comments, please consider identifying your municipality or, if you prefer, your geographic region of the province (for example, southwestern Ontario) or whether you live in a rural or urban area.

If you are providing comments on behalf of an organization, please provide its name. If you are providing comments on behalf of a municipality, please provide its name and indicate whether the submission has been endorsed by a council resolution.

Your responses may be used for the purposes of the ministry's consultation process. Please note the ministry may summarize and share them, including with other ministries and the public. Names of organizations and persons who indicate an affiliation may also be shared.

Please do not provide any additional personal or identifying information such as opinions about individuals or names and addresses as part of your response.

CHAPTER 2: OVERVIEW OF THE ACTS

MUNICIPAL ACT OVERVIEW

The Municipal Act gives municipalities a variety of powers, both broad and specific, so that they can govern, deliver services, and effectively serve their residents.

The current act came into force in 2003, and the last review was completed in 2006.

Part 1 (General - ontario.ca/cafy) includes the purposes of municipalities, key definitions, and general provisions. It requires the Ministry of Municipal Affairs and Housing to initiate a review of the act every five years. Part 1 also commits to ongoing consultation between the province and municipalities through the memorandum of understanding (MOU) between the province and the Association of Municipalities of Ontario (AMO).

Part 2 (General Municipal Powers - ontario.ca/cafz) establishes key municipal powers, including natural person powers and broad powers. Natural person powers allow municipalities to act like an individual or a corporation. For example, they can enter into a contract or hire staff. Broad powers provide municipalities with authority to pass bylaws in a wide range of areas, subject to certain limits, including:

- Governance structure of the municipality and its local boards
- Financial management of the municipality and its local boards
- Economic, social and environmental well-being of the municipality
- Health, safety and well-being of persons

Part 2 also sets out how municipalities can delegate municipal powers to local bodies, such as advisory committees or community councils, to assist with local decision-making. The act establishes rules such as what powers can and cannot be delegated.

Part 3 (Specific Municipal Powers - ontario.ca/caf1) provides specific rules and provisions for certain municipal powers (some of which are affected by other ministries' legislation). For example, there are specific provisions in Part 3 for:

- Highways
- Transportation
- Waste Management
- Public Utilities
- Culture, Parks, Recreation and Heritage
- Drainage and Flood Control
- Parking
- Economic Development
- Closing of Business Establishments
- Health and Safety

- Natural Environment
- Animals
- Structures, including fences and signs

Part 4 (Licenses - ontario.ca/caf3) sets out business licensing powers of municipalities (for example, concerning tow trucks, taxis). This part also gives the municipality authority to require a person to pay an administrative penalty to the municipality if they fail to comply with any part of a licensing system.

Part 5 (Municipal Reorganization - ontario.ca/caf4) deals generally with municipal restructuring (annexations, amalgamations, etc.) and other kinds of organizational changes at the local level. This includes changing municipal names, transferring powers between tiers, establishing municipal corporations and municipal service boards, and establishing or changing wards. Part 5 also includes provisions respecting municipal changes to certain local boards and respecting business improvement areas.

Part 5.1 (Accountability and Transparency - ontario.ca/caf5) includes provisions about establishing codes of conduct for members of municipal council and many of their local boards. Municipalities may also choose to appoint local integrity officers: an Integrity Commissioner, Ombudsman, Lobbyist Registrar and Auditor General. For more information on accountability and transparency provisions of the Municipal Act and the City of Toronto Act and to share feedback, please see Chapter 3 of this Guide.

Part 6 (Practices and Procedures - ontario.ca/caf6) sets out roles, responsibilities, rules and processes for municipal councils and key staff members including the clerk and chief administrative officer (CAO). Part 6 includes rules about the conduct of council and local board meetings and the public's right to attend them. Most council and local board meetings are required to be open to the public (with certain allowed exceptions). Part 6 also has requirements on quorum, council member eligibility and vacancies from office, and records retention. Under Part 6, municipalities are required to have policies on certain matters, including the sale and other disposition of land, hiring employees, procurement of goods and services and public notice.

Parts 7-13 (along with Part 3 sections 106-110, and other sections - ontario.ca/caf7) contain many of the rules and procedures for financial and administrative matters such as budgeting, financial reporting, fees and charges, debt and investment, and the administration and collection of property taxes. For more information on financial and administrative provisions of the Municipal Act and the City of Toronto Act, and to share feedback, please see Chapter 4.

Part 14 (ontario.ca/caf8) deals with enforcement of municipal bylaws, including offences and penalties, powers of entry, general enforcement powers, municipal orders and remedial actions, and court orders to close premises. Part 14 includes provisions on establishing a system of fines for offences for contravening a bylaw, with rules on minimum and maximum fine amounts, and rules concerning special fines.

Parts 15-18 ontario.ca/caf8 contain municipality-specific, technical, transitional, and miscellaneous provisions, including provisions on regulations and municipal liability.

CITY OF TORONTO ACT OVERVIEW

The City of Toronto Act is the counterpart legislation to the Municipal Act (which applies to all other municipalities in Ontario) for the City of Toronto (ontario.ca/cagb). It creates the legal framework for the roles, responsibilities and powers for the City of Toronto and its local bodies, such as city boards or committees.

The City of Toronto Act is similar to the Municipal Act, but there are some particular differences that recognize Toronto's status as Ontario's largest municipality. These include:

- 1) The City of Toronto has broad authority to levy taxes in addition to property taxes, beyond those available to other Ontario municipalities. The City's authority in this area is subject to specific limitations. For example, the City may not put in place taxes on personal or corporate income, gasoline or sales taxes.
- 2) The City of Toronto is required to have a Code of Conduct for council and members of certain local boards, as well as an Integrity Commissioner, City Ombudsman, Auditor General and a Lobbyist Registry. In other municipalities, appointing these officers is optional.
- 3) The City of Toronto has specific authority to require and govern the construction of green roofs.
- 4) The City of Toronto's long-term debt is not subject to a provincial Annual Repayment Limit, in recognition of the City's internal capacity to determine its own appropriate level of debt.
- 5) The City of Toronto's wholly-owned land development corporation, Build Toronto, has special powers to incorporate corporations.

The City of Toronto Act came into force in 2007, and the last review took place in 2009.

MUNICIPAL CONFLICT OF INTEREST ACT OVERVIEW

The Municipal Conflict of Interest Act (last substantially amended in 1983) sets out rules to help ensure that municipal council members and members of local boards (including school boards and police services boards) do not participate at meetings when their council, committee or local board considers a matter in which the members have a pecuniary (i.e. financial) interest (ontario.ca/cagc).

For more information on conflict of interest rules for municipalities, and to share feedback, please see Chapter 3 of this Guide.

CHAPTER 3: ACCOUNTABILITY AND TRANSPARENCY

In response to what we have heard from municipalities, the public, and experts, we have made Accountability and Transparency a theme of this review. This chapter of the Discussion Guide outlines the accountability and transparency requirements for municipalities and the tools they have to deliver them. We invite you to provide your feedback on accountability and transparency by answering the questions at the end of this chapter.

The Municipal Conflict of Interest Act sets out some rules for municipal council and local board members that are enforced through the courts. Other accountability and transparency-related rules set out in law include requirements under the Municipal Act and City of Toronto Act, such as open meeting requirements.

In 2014, the province passed the Public Sector and MPP Accountability and Transparency Act. Schedule 9 of the Bill, when proclaimed into force on January 1, 2016, will extend the role of the Ontario Ombudsman to include all municipalities. The intent is to ensure that every Ontarian has access to an ombudsman.

We want to examine the accountability and transparency requirements for municipalities, and the tools for locally-determined integrity frameworks, to ensure they provide a greater benefit and meet the changing needs of municipalities and the public. In this review we want to consider:

- Codes of conduct
- Integrity officers
- Conflicts of interest
- Open meetings

CODES OF CONDUCT

Some municipalities have codes of conduct for members of council and local boards. They may also have other procedures, rules and policies governing the ethical behaviour of those members. It is generally up to a municipality to determine the content of its code of conduct (if it chooses to have one)– for example, a general set of principles, or a more detailed set of rules on specific issues. Because of this, codes of conduct vary from municipality to municipality. Some common issues that codes of conduct address include use of municipal resources, gifts and benefits and conduct at council meetings. As of 2014, many large municipalities have adopted a code of conduct, but most medium sized or small municipalities have not.

It is up to a municipality to determine the complaints process for codes of conduct and many of the rules around its enforcement. Municipalities also have authority to appoint an integrity commissioner to investigate complaints related to the code, though not every municipality

with a code of conduct also has an integrity commissioner. There are two penalties available to council for code of conduct contraventions: a reprimand or a suspension of the member's pay for up to 90 days.

For more information on municipal codes of conduct, please see section 223.2 of the Municipal Act (ontario.ca/cage) and section 157 of the City of Toronto Act (ontario.ca/cagd).

Some municipalities have also developed a code of conduct for municipal staff.

Similar to municipal codes of conduct, codes of conduct for school board trustees are developed by the school board and reflect the norms of behaviour that trustees agree to uphold and respect. Like other codes of conduct, school board codes might cover such matters as acting with integrity, guarding against conflict of interest, complying with legislation, maintaining confidentiality, and respecting the decision-making authority of the board.

DISCUSSION

- Do you know whether your municipality or school board has a code of conduct? If so, does it seem to be working effectively?
- Do you think there should be a greater range of penalties for violating a code of conduct?

Share your feedback online

INTEGRITY OFFICERS

All municipalities may decide to appoint integrity officers, and Toronto must do so under the City of Toronto Act. The Municipal Act and the City of Toronto Act set out the general responsibilities and functions of the integrity officers, and each municipality determines their specific duties.

These integrity officers are:

- An Integrity Commissioner
- A municipal Ombudsman
- An Auditor General
- A lobbyist registry (related officer is a lobbyist registrar)

If a municipality chooses to put one or more of these officers in place, it can help to increase accountability and transparency at the local level.

Integrity Commissioner

An Integrity Commissioner's role is independent and his or her functions are assigned by council. The commissioner's functions may include conducting inquiries about whether a member of council or a local board has contravened the code of conduct.

If the Integrity Commissioner reports that a member of the council or local board has contravened the code of conduct, the municipality may impose a penalty in the form of a reprimand or a suspension of pay for a period of up to 90 days. The commissioner, who reports to council, may also be tasked with looking at how members of council have applied procedures, rules and policies of the municipality or local board governing the ethical behaviour of members of council and local boards. Some municipalities have also assigned their commissioner with other functions such as providing advice and/or education and training on ethical matters to members of council.

Municipal Ombudsman

A municipal Ombudsman investigates acts, decisions, and recommendations made in the course of the administration of a municipality. A municipal Ombudsman also does this for local boards or certain municipal corporations as specified by the municipality. Toronto is currently the only municipality in Ontario to have an Ombudsman, which it is required to have under the City of Toronto Act. The current Toronto Ombudsman describes her role as "an impartial investigator of residents' complaints about the administration of city government".

Auditor General

An Auditor General may assist council in holding itself and municipal administrators accountable for the quality of stewardship over public funds and achieving value for money in municipal operations. An Auditor General must perform his or her duties in an independent manner.

Lobbyist Registrar and Registry

The Municipal Act authorizes a municipality to establish a public Registry for lobbyists, establish a code of conduct for lobbyists and prohibit former public office holders from lobbying for a designated time period.

DISCUSSION

- Are there gaps in the current municipal accountability and transparency system?
- What kinds of tools would support greater accountability and transparency in local government?

Share your feedback online

CONFLICTS OF INTEREST

Local members (including councillors and members of local boards) have legal and ethical duties to consider in relation to conflict of interest. Some of these are found in the Municipal Conflict of Interest Act, but other related rules or codes may also apply to local members (for example, in a local code of conduct for councillors).

The Municipal Conflict of Interest Act sets out ethical rules for council and local board members if they have certain pecuniary (financial) interests in a matter that is before their council or board at a meeting. For example, a member might have to declare a pecuniary interest if they own land or a property that is likely to be affected by a council/board decision.

The Municipal Conflict of Interest Act generally requires a local member with a financial interest in a matter that is before their council or board at a meeting to:

- disclose the interest before the matter is considered at the meeting;
- not take part in the discussion or voting on the matter;
- not attempt to influence the voting before, during, or after the meeting; and
- immediately leave the meeting, if the meeting is closed to the public.

As with any legal matter, local members may seek legal advice if they wish to.

The declaration of the member's interest is recorded in the meeting's record (minutes). The public may use meeting records to assist in finding out whether a member declared an interest on a matter.

The Municipal Conflict of Interest Act includes some exceptions. For example, a member would not need to declare a pecuniary interest for an interest in common with electors generally. A proposed property tax increase affecting all property owners in the municipality might be an example of an interest in common with electors generally.

The courts decide whether or not a contravention of the Municipal Conflict of Interest Act has taken place. Any elector in the municipality may apply to a court if he or she feels that a municipal councillor or local board member has violated conflict of interest rules.

If the judge finds that there is a contravention of the Municipal Conflict of Interest Act, the judge must remove the member, unless the judge also finds that the contravention was because of the member's inadvertence or error of judgement.

A judge may also find that other penalties for contravention of the Municipal Conflict of Interest Act apply. These include:

- restitution (i.e. reimbursement of a person who suffered the loss where the contravention resulted in personal financial gain); or

- disqualification from office for up to seven years (which a judge may decide does not apply due to a member's inadvertence or error of judgement).

For more information about the conflict of interest rules for municipalities, please see the Municipal Conflict of Interest Act (ontario.ca/cagc).

DISCUSSION

- How might conflict of interest rules be made clearer for municipal officials and the public?
- Do you think the current rules prevent municipal councillors from participating in municipal decision making too often? Do you feel that your own councillor/board member (e.g. school trustee) has been able to represent your interests at meetings given these conflict of interest rules?
- Do you think municipal councillors need more support to comply with conflict of interest rules? For example, having a municipality make expert or legal advice available to them.
- How could public access to the decision-making process about conflicts of interest be improved?
- What do you think are the appropriate penalties for violating conflict of interest rules?
- Who should enforce municipal conflict of interest rules?

Share your feedback online

OPEN MEETINGS

Most municipal meetings must be open to the public. There are a limited number of reasons why meetings may be closed to the public. For example, meetings may be closed for discussion of matters that are before the courts, a pending purchase or sale of land, or personal matters about an identifiable individual.

A person may request an investigation of whether a meeting was properly closed to the public. The municipality may appoint an independent investigator who may report with recommendations to council. If the municipality does not appoint an investigator, the Ontario Ombudsman may investigate.

For more information about open meetings requirements, please see section 239 of the Municipal Act (ontario.ca/cagh) and section 190 of the City of Toronto Act (ontario.ca/cagj). Some boards, such as police services, library and school boards have different rules about their meetings, which are found in other legislation. For example, please see ontario.ca/cagk.

DISCUSSION

- Do you think there should be more options for municipal councils to use technology in holding meetings? (e.g., internet video conferences?) Please provide examples.
- Do you think that the public has appropriate access to council meetings? How could municipal council meetings be more transparent?
- Under what circumstances do you think it is appropriate for council to discuss matters in private? (e.g. personal information, security of the municipality)

[Share your feedback online](#)

In addition, we have some general questions regarding the current accountability and transparency framework for municipalities.

DISCUSSION

- Overall, what do you see as the province's role in supporting municipal and local board accountability and transparency? What do you see as your municipality's role?
- How effective are the accountability and transparency requirements in the Municipal Act, City of Toronto Act and Municipal Conflict of Interest Act?
- How might accountability and transparency rules be made clearer for municipal officials, board members and the public?

[Share your feedback online](#)

CHAPTER 4: MUNICIPAL FINANCIAL SUSTAINABILITY

We want to ensure our local governments remain strong and financially sustainable, and that they continue to be accountable, flexible and responsive to the people they serve. We invite your input on topics such as:

- How existing municipal financial tools can be used more effectively
- Whether municipalities have the necessary tools to effectively plan for, prioritize and fund their investments in infrastructure and spending on services
- What barriers municipalities may face in achieving long-term financial sustainability

WHAT IS MUNICIPAL FINANCIAL SUSTAINABILITY?

Municipal financial sustainability can be defined as the ability to match expenditures well with revenues – on both an operating and capital cost basis.

Municipalities are responsible for providing a range of services to Ontarians, including: fire, police, water, garbage, public health, and recreation programs. Municipalities are also responsible for maintaining and expanding public infrastructure, such as roads, bridges, water systems and their local public transit systems. In order to deliver on both responsibilities, municipalities must manage their finances effectively.

This chapter outlines financial management tools and processes contained in the relevant municipal legislation and used by municipalities in Ontario. We invite you to provide your feedback on this topic by answering the questions at the end of this chapter.

MUNICIPAL BUDGETS AND FINANCIAL REPORTING

Municipal governments are expected to deliver services and facilities in a way that is financially sustainable.

The Municipal Act and the City of Toronto Act require municipalities to pass balanced operating budgets each year. While municipalities may borrow over the long term to fund capital expenditures, such as building a new bridge, or installing a new water main, they are generally not allowed to fund operating expenses, such as salaries and wages, fuel or contracted services through borrowing. This helps to ensure that municipalities pay for the expenses that they incur each year, while allowing them the flexibility to spread out the cost of long-term assets.

Municipalities are also required to prepare annual financial statements according to the Public Sector Accounting Board (PSAB)'s recommended accounting principles. Municipalities must publish and make publicly available their audited financial statements for the previous year within 60 days of receiving them. This helps to ensure that municipalities are accountable to their citizens and also to the province.

MUNICIPAL REVENUE SOURCES/FINANCIAL TOOLS

The Municipal Act provides municipalities with financial tools to help them pay for the services they provide, including:

- Property taxes, including special area rates
- User fees and charges
- Local improvement charges
- Fees for licenses, permits and rents
- Fines and penalties
- Debt financing
- Investment income
- Development charges

In addition to these tools, the City of Toronto has broad authority under the City of Toronto Act to implement a variety of municipal taxes, subject to limitations (see below for further information).

Property Taxes

The property tax generates \$17.5 billion across the province and is a municipality's main source of revenue. In order to determine the amount of property tax they need to collect, municipalities first determine their revenue needs as part of their annual budget process. Municipalities then set the tax rates.

A property tax bill is composed of two components: a municipal portion and a provincial education portion. The tax rate and levy for the municipal portion, is set by the municipality (subject to provincial rules) and is based on their revenue needs as part of their annual budget process. The tax rate for the education portion is set by the province. These tax rates, multiplied by the assessed value, results in the tax levies for municipal and education purposes. These amounts added together equal the amount of total property taxes payable.

For example, if a residential property is assessed at \$300,000 and the total tax rate is 0.75 per cent, the total property tax bill would be \$2,250.

Property assessments are determined in accordance with the Assessment Act, which is not within the scope of this legislative review.

Special Area Rates

Municipalities have the authority to impose special area rates to recover the cost of a special service for only a designated area of the municipality. A special service is a service that is not generally provided throughout the municipality, or is provided in a different way or at a different level in other parts of the municipality. Examples of services for which municipalities have used this authority include: public transit, sewer, water and waste collection.

User Fees and Charges

Municipalities have broad authority to impose fees or charges for any service or activity they provide, or for the use of their property. Examples of common municipal fees include: sewer, water, garbage collection, recreation programs and transit. In recent years, many municipalities have adopted user fee policies to bring some of these services closer to cost recovery, particularly in the case of water and wastewater services. These policies also help reduce pressure on the general tax base, freeing up resources for services that are not as amenable to pricing.

Local Improvement Charges

A local improvement is a capital project that a municipality undertakes that provides a benefit to properties in the vicinity, such as sidewalks and sewers. Municipalities can impose local improvement charges on properties that benefit from the project to recover all or part of its cost. This tool allows municipalities to spread the cost of a project over several years to minimize the annual payment property owners have to make.

Licenses, Permits, and Rents

Municipalities also receive revenues from issuing licenses and permits related to specific activities related to, businesses, vendors, trailers and animals. These revenues also include rents charged to use or occupy municipal properties.

Fines and Penalties

This source of revenue includes fines imposed for not complying with municipal bylaws, or provincial regulatory laws. The most common fines are for local parking infractions and offences under the Highway Traffic Act.

City of Toronto Broad Taxation Authority

The City of Toronto Act gives the City of Toronto broad authority to implement a variety of taxes, subject to certain limitations, such as:

- no tax on personal or corporate income;
- no tax on wealth or payroll;
- no tax on gas or hotels; and
- no sales tax, except for taxes on the sale of entertainment, alcohol or tobacco.

Under this authority, the City of Toronto has elected to implement a Municipal Land Transfer Tax and a Third Party Sign Tax.

Any decision to use the taxation authority is solely the decision of City of Toronto Council. The imposition of taxes under this authority is done through a bylaw. If you have questions

regarding the taxes that the City of Toronto has implemented under this authority, please contact the City of Toronto directly.

Grants

Municipalities may receive grants from the province and/or federal government under specific programs.

For example, the Ontario Municipal Partnership Fund (OMPF) is the Province's main unconditional transfer payment to municipalities. In 2015, the Province is providing municipalities with \$515 million in unconditional funding through the OMPF, with over 90% of the grant supporting northern and rural municipalities.

Municipalities receive a significant level of ongoing support from the province in other ways. In 2015, the province is providing municipalities with approximately \$3.7 billion in ongoing support through the provincial upload of social assistance benefit program costs, the Ontario Municipal Partnership Fund, provincial gas tax program, and other ongoing initiatives.

MUNICIPAL CAPITAL FINANCE

To help pay for capital projects and plan future operating budget expenditures, a municipality may use a number of sources of financing, including debt (up to a set limit), investment income, and development charges.

Debt Financing

Generally, unless it first receives approval from the Ontario Municipal Board, a municipality may not incur a long term debt that would require it to use more than 25 per cent of its total annual own-purpose revenues to service that debt and the municipality's other long term debt. It is the municipality's decision to use debt or pay-as-you-go financing.

The debt limit for a municipality is often referred to as the annual repayment limit (ARL). The ARL is calculated using the data that municipalities submit annually through the Financial Information Return to the Ministry of Municipal Affairs and Housing on their long-term liabilities and debt charges. The City of Toronto's long term debt is not subject to an Annual Repayment Limit.

Investment Income

During the year, a municipality may have cash on hand (for example, from reserve funds or interim tax collections) that is not immediately needed. This cash is often invested to earn income.

Development Charges

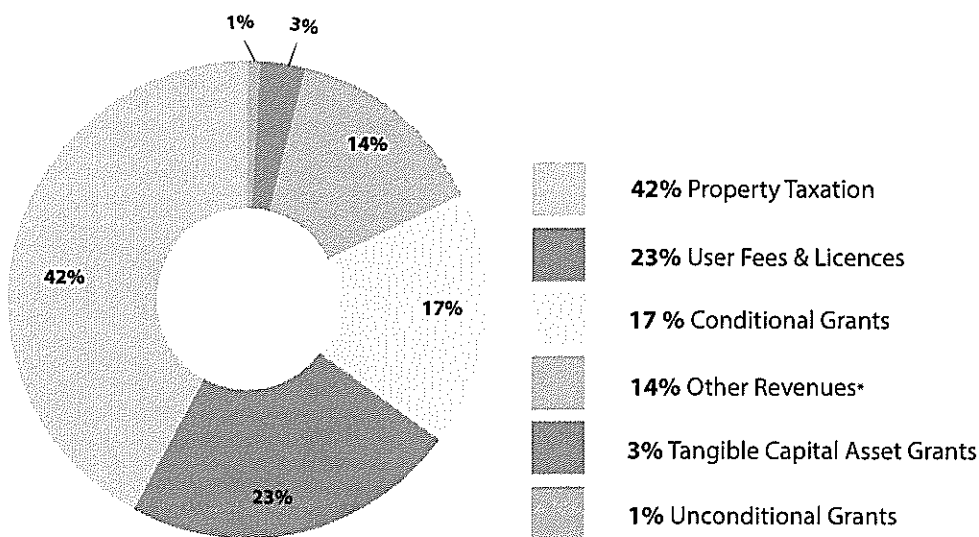
Development charges are fees imposed by municipalities on developers to pay for increased growth-related capital costs (both residential and non-residential) related to items such as water lines or recreational facilities. Development charges are payable when a builder applies for a permit.

The Development Charges Act was reviewed in 2014. That review has concluded and that legislation is not within the scope of this review.

Municipal Expenditures and Revenues

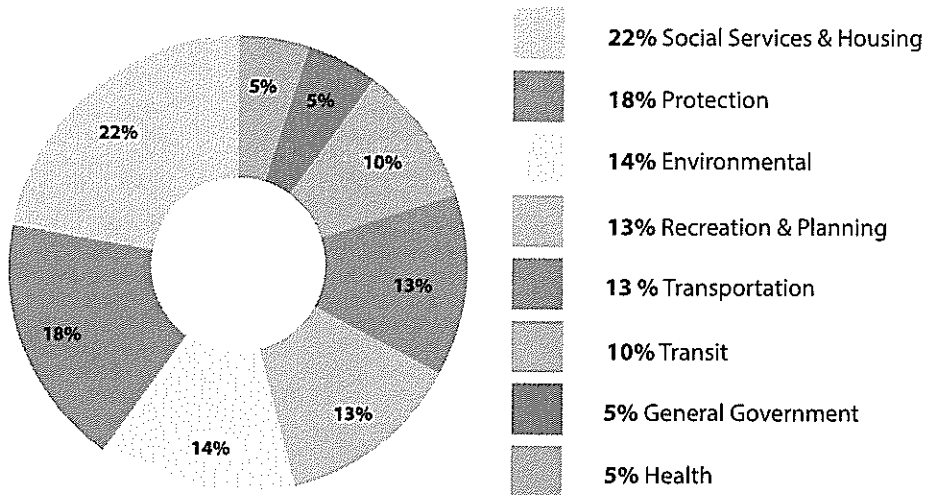
The following charts provide an overview of municipal capital and operating expenditures and how those costs are financed.

2013 Municipal Revenues

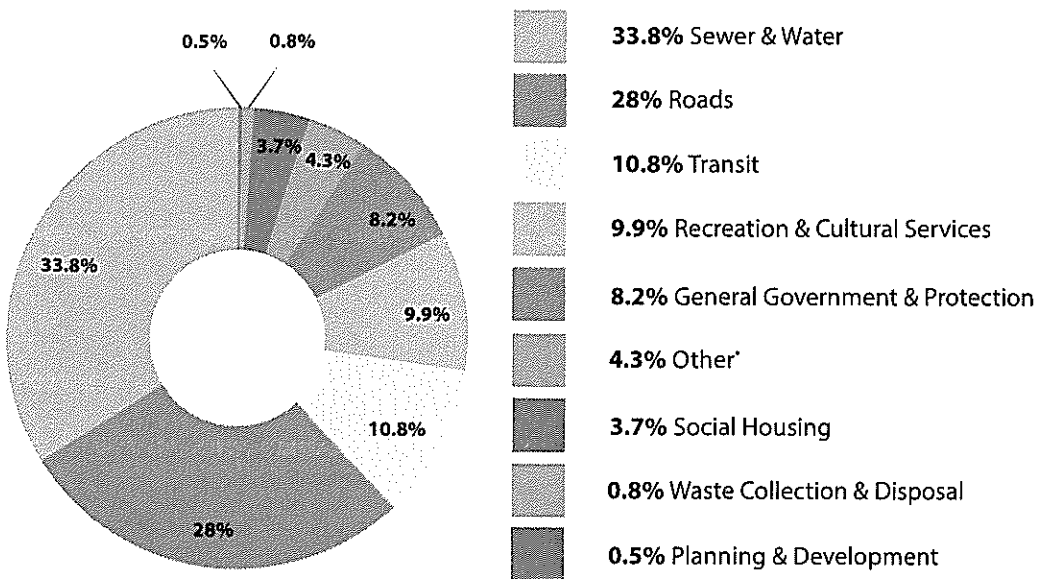


* Other revenues includes: investment income, deferred revenue earned (development charges), donations, revenue from other municipalities, fines, penalties, and City of Toronto Municipal Land Transfer Tax.

2013 Municipal Operating Expenses

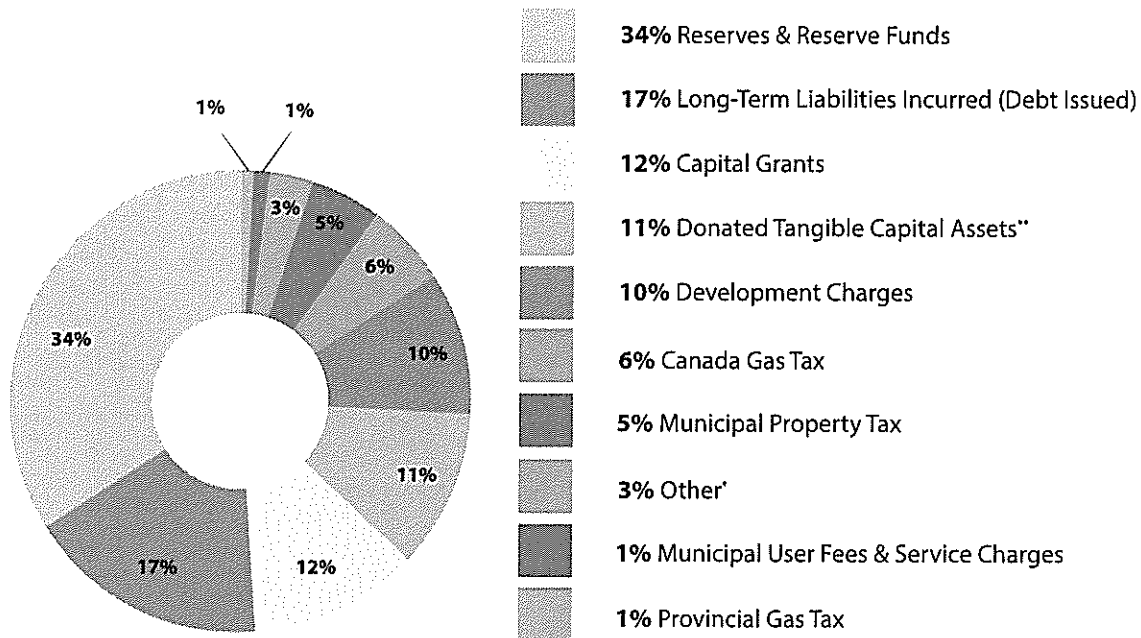


2013 Capital Acquisitions



* Other includes health, social and family services, parking and air transportation.

2013 Sources of Tangible Capital Asset Acquisition Financing



* Other includes contributions from reserves and reserve funds, cash donations, recreational land, other deferred revenues.

** Assets have been contributed to municipalities from developers and private citizens.

OTHER TOOLS

Municipal Services Corporations

Municipalities can create corporations for most services that they provide. Corporations may have advantages and challenges compared to other service delivery mechanisms. Advantages may include their ability to increase capital, pool expenses, expertise and staff resources, and provide better economies of scale. Challenges may include balancing independent operation with accountability to the public. Municipal services corporations also allow municipalities to potentially partner with the private and not-for-profit sectors, educational institutions and Aboriginal communities.

Capital Facilities Agreements

Outside parties (potentially private, not-for-profit, educational and Aboriginal partners among others) can provide facilities related to a number of municipal services on behalf of municipalities through a formal agreement. Some of these are referred to as municipal capital facilities agreements. Under these agreements the municipality can provide financial incentives (property tax exemptions, waivers from fees and charges or the use of municipal

employees) relating to the delivery of those facilities. For example, many municipalities can provide incentives through capital facilities agreements with housing providers for affordable housing in the municipality. That outside service provider may therefore receive similar financial treatment as a municipality would if it provided the facility itself.

Business Incubators

With the approval of the Minister of Municipal Affairs and Housing, municipalities can provide financial incentives to facilitate the development of small business programs (commonly referred to as business incubators) in their communities.

Business incubators provide a means for small businesses to grow their client base, take advantage of shared resources and learn from each other. Incubators often bring together small businesses that reflect local industry in the municipality.

MUNICIPAL ASSET MANAGEMENT PLANNING

Asset management planning can help municipalities make the best possible decisions regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructure assets. It is an integrated, long-term or lifecycle approach to planning, intended to maximize benefits, manage risk and provide satisfactory levels of service to the public in a financially sustainable and environmentally responsible manner.

Municipal asset management plans describe the following:

- the characteristics and condition of infrastructure assets;
- the expected levels of service of the assets;
- the planned actions to ensure the expected level of service; and
- the financing strategies to implement the planned actions.

Ontario municipalities must develop detailed asset management plans to accompany any request for provincial infrastructure funding. It is a best practice for municipalities to do ongoing asset management planning and to integrate it into long-term financial planning.

DISCUSSION

- Do you feel your municipality is able to effectively plan for and prioritize its investments in infrastructure (e.g. roads, bridges, water systems, public transit) and its spending on services (e.g. fire, police, water, garbage, public health, recreation programs)?
- Municipalities have a number of options when deciding how to pay for services and projects (e.g. property tax, user fees). Do you feel your municipality is using the right mix of revenue sources to pay for local services and invest in infrastructure?
- Are there changes to current tools that could contribute to municipal financial sustainability (i.e. ability to meet current and future financial needs)?
- Do regional variations (e.g. economy, geography, demographics) present barriers to municipalities achieving long-term financial sustainability? If so, how can these challenges be addressed in the Municipal Act?

Share your feedback online

CHAPTER 5: RESPONSIVE AND FLEXIBLE MUNICIPAL GOVERNMENT

INTRODUCTION

The province views municipalities as responsible and accountable governments. As such, the province wants to make sure that municipalities have the powers and the flexibility they need to govern and be creative and responsive in providing services to their communities. In this review, we will consider topics such as:

- Whether municipalities are able to be innovative in how they are providing services to the community;
- How improvements to the Municipal Act and City of Toronto Act can help ensure that municipalities can make the best use of their authority and available tools to respond to climate change and other municipal and provincial priority areas; and
- Whether the Municipal Act and City of Toronto Act have the necessary processes in place to address local representation needs.

DIVISION AND TRANSFER OF POWERS BETWEEN UPPER- AND LOWER-TIER MUNICIPALITIES

In Ontario, there are three types of municipalities: upper- and lower-tier municipalities in a two-tier municipal structure, and single-tier municipalities that are not part of a two-tier system. Upper-tier municipalities are commonly referred to as counties, historically one of the oldest forms of municipal government in Ontario and largely rural; or as regions, which were created in the 1970s by special legislation to cope with the emerging demands of rapidly growing urban centres.

For lower-tier and single-tier municipalities, the term “local municipality” is often used. They may also be known as cities, towns, villages, or townships.

Division of Powers

As discussed in chapter 2, all municipalities have a range of powers, to make decisions that serve the needs of their community. In two-tier municipal structures, the Municipal Act provides specific rules for the division (or sharing) of powers between upper- and lower-tier municipalities (ontario.ca/cagm).

In practice, this means that if your municipality operates in a two-tier structure, the upper-tier municipality delivers certain services within the upper-tier boundaries. For example, upper-tier services provided by regional municipalities often include arterial roads, transit, sewer and water systems and waste disposal. Upper-tier services provided by counties often include only arterial roads. Lower-tier municipalities are usually responsible for local roads, garbage collection and animal control.

Transfer of Powers (Service Migration)

While the Municipal Act divides certain powers between upper- and lower-tier municipalities, it allows for the transfer of powers between lower- and upper-tier municipalities as long as certain requirements are met (ontario.ca/cagn).

An upper-tier municipality may make a bylaw to transfer all or part of certain lower-tier powers (from one or more lower-tiers) to the upper-tier. This is referred to as upper-tier service migration, and the bylaw does not come into force unless a “triple majority” vote supports the bylaw, meaning:

- the upper-tier council passes the bylaw by majority vote of all votes on the council;
- the councils of a majority of all the lower-tier municipalities forming the upper-tier municipality pass resolutions supporting the bylaw; and
- the total number of electors in the lower-tier municipalities supporting the bylaw form a majority of all the electors in the upper-tier municipality.

A lower-tier municipality may make a bylaw to transfer all or part of certain upper-tier powers to one or more lower-tiers. The lower-tier service migration bylaw does not come into force unless a “triple majority” vote supports the bylaw, meaning:

- at least half of all the other lower-tier municipalities forming the upper-tier municipality pass resolutions supporting the bylaw;
- the total number of electors in the lower-tier municipalities supporting the bylaw (including the lower tier that made the bylaw) form a majority of all the electors in the upper-tier municipality; and
- the upper-tier council passes a resolution supporting the transfer of power by majority vote of all the votes on council.

Some services that have been transferred from one tier to another tier may be transferred back. For example, public transportation systems, other than highways can be migrated between lower- and upper-tier municipalities. Waste collection can also be migrated between lower-tier and upper-tier municipalities.

Under the current rules, some powers may not be transferred back once they have been migrated. For example, the production, distribution and supply of water can only be migrated from the lower-tier to the upper-tier. It cannot be migrated from the upper-tier municipality to the lower-tier.

DISCUSSION

We want to hear if powers are working well in your communities, including the division and transfer of powers.

- What steps is your council taking to improve the quality of municipal services or to save money in the way municipal services are provided to the community?
- Are you aware of any challenges and/or barriers that may prevent your council from providing municipal services, such as economic development, roads or parks, in a more effective and/or innovative manner?

Share your feedback online

CLIMATE CHANGE

Climate change is one of the most significant challenges of our time. Ontario released its Climate Change Action Plan in 2007, which includes greenhouse gas emissions reduction targets of 80 per cent below 1990 levels by 2050 to help reduce the future impacts of climate change and support the development of a strong, low carbon economy. Many municipalities have been leaders in taking action on climate change and in involving their communities in developing mitigation and adaptation strategies.

Climate Change Mitigation

The Ministry of Municipal Affairs and Housing provides some direction and guidance to municipalities on climate change mitigation. For example, ministry policies encourage compact development and complete communities, which may help to reduce greenhouse gas emissions through improved energy efficiency and a reduced need to drive. The ministry also administers a Building Code that specifies energy and water efficiency requirements for new construction.

Under the City of Toronto Act, the City of Toronto has the authority to require and govern the construction of green roofs or alternative roof surfaces in certain circumstances. The Municipal Act currently does not include similar green roof provisions.

Climate Change Adaptation

Municipalities are already feeling the impacts of a changing climate as they deal with the aftermaths of an increased number of extreme weather events like greater flooding, tornados, more frequent heat waves and more severe episodes of freezing rain. These events can pose serious and costly threats to public safety and infrastructure. In addition, climate change impacts, like an increased number of extreme heat waves, may have significant effects on

public health. Municipalities have a role to play in fostering resilient communities that are prepared to anticipate and address these impacts.

DISCUSSION

We want to ensure the long-term prosperity and livability of our communities. The Ministry of the Environment and Climate Change (MOECC) is leading Ontario's efforts to fight climate change. MOECC is currently developing a climate change strategy and action plan to be announced later this year. We are interested in hearing how we can strengthen the Municipal Act and the City of Toronto Act to help municipalities address climate change across all municipal departments.

- Has your local council integrated climate change considerations in its policies, programs and decision making processes?
- What tools do municipalities need to address climate change mitigation and adaptation?
- Are you aware of any challenges and/or barriers that your council is facing in implementing initiatives related to climate change?

[Share your feedback online](#)

LOCAL REPRESENTATION

The Municipal Act sets out rules that municipalities must follow if they wish to change their council composition. For regional municipalities, some of the changes they may make include:

- changing the size of council;
- changing the way in which members of the upper-tier council are selected (for example, directly elected to the upper-tier); and,
- changing the method for how the head of council (e.g. regional chair) is selected.

If a regional municipality wishes to change its composition, it must first ask the Minister of Municipal Affairs and Housing to pass a regulation allowing it to do so. If and when a regulation is passed, the regional municipality must then follow the rules set out in the Act to change its composition. These rules include passing a bylaw, holding at least one public meeting to discuss the proposed change and receiving the required level of support from the lower-tier municipalities for the change.

Municipalities may also create local bodies, such as advisory committees or community councils, to help municipalities take into account community views in local decision-making. It is up to the municipality to decide the purpose of the local body, its composition, and its powers.

DISCUSSION

- Does the Municipal Act process for changing regional municipal council representation allow regions to respond to changing demographics and/or rapid population growth? If not, do you have suggestions for how these issues can be addressed?
- How can local bodies, such as community councils, best be used to increase community input in municipalities?

Share your feedback online

CHAPTER 6: WHAT'S NEXT

NEXT STEPS – WHAT WE HEARD

The main engagement period for the review will run from June to August 2015. Over the summer, the Ministry of Municipal Affairs and Housing will begin analysis on what we heard from Ontarians and our municipal sector partners.

Later this year, the government will post a “What We Heard” document on the Municipal Affairs and Housing website (ontario.ca/dl82) to capture and organize the input received from the public, municipalities and organizations.

OTHER WAYS TO GET INVOLVED

In addition to providing feedback through this discussion guide, you are welcome to send any further questions or suggestions you may have to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

Email: municipalreview@ontario.ca

FURTHER READING

We understand that you may have additional questions regarding the current municipal legislation framework. For more information, please see the resources below:

- **Municipal Councillor's Guide** (ontario.ca/cagp)
- **Municipal Act on e-laws** (ontario.ca/cagq)
- **City of Toronto Act on e-laws** (ontario.ca/cagb)
- **Municipal Conflict of Interest Act on e-laws** (ontario.ca/cagr)
- **MMAH website** (ontario.ca/mah)
- **Ontario Ombudsman website** (ombudsman.on.ca)

Ministry of Municipal Affairs and Housing

© Queen's Printer for Ontario, 2015

ISBN 978-1-4606-5830-7 (PDF)

06/15

Disponible en français