

Subject: Municipal Legislation Review - Municipal Act and Municipal Conflict of Interest Act

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Recommendation:

- 1) That the Report entitled “Municipal Legislation Review - Municipal Act and Municipal Conflict of Interest Act” be received; and,
- 2) That Markham City Council endorse the recommendations in **Attachment “A”** and **Attachment “B”**; and,
- 3) That the City Clerk be authorized to submit the attachments to the Ministry of Municipal Affairs and Housing on behalf of Markham City Council; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose:

The purpose of this report is to provide Council with a list of proposed recommendations with respect to the Ministry of Municipal Affairs and Housing’s (“Ministry”) review of the Municipal Act and the Municipal Conflict of Interest Act for submission to the Ministry.

Background:

In June 2015, the Ministry announced a review of the Municipal Act, Municipal Conflict of Interest Act and City of Toronto Act.

At the June 15, 2015 General Committee Meeting, Committee requested that Staff report back with a list of proposed amendments to the Municipal Act and Municipal Conflict of Interest Act prior to submission to the Ministry. The deadline to submit comments to the Ministry is October 31, 2015.

Options/ Discussion:

Over the summer, Legislative Services have solicited feedback from City Staff and worked with other key stakeholder groups such as the Association of Municipalities Ontario (AMO), and the Association of Municipal Managers, Clerks and Treasurers of Ontario and Municipal Clerks (AMCTO) in the Greater Toronto Area to develop the recommendations in **Attachment “A”** and **Attachment “B”**. The Province’s review is focused on three key areas: 1) Accountability and Transparency; 2) Municipal Financial Sustainability; and 3) Responsive and Flexible Municipal Government. As such, Staff have organized recommendations for

reforming the above-noted Acts in those three respective areas. The following highlights a number of recommendations found within the attached charts.

Highlights of the Proposed Amendments to the Municipal Act (Attachment “A”)

- 1) Accountability and Transparency
 - It is recommended that the common law definition of meeting be used to provide clarity and consistency regarding the definition of a meeting;
 - The Municipal Act should align with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
 - Council should be permitted, in limited and established circumstances, to meet in-camera to discuss:
 - Strategic planning (no more than once a year for instance); and
 - Commercial negotiations/intergovernmental discussions.
 - Council Codes of Conduct should be mandatory for all Ontario municipalities; and
 - Appointment of an Integrity Commissioner should be mandatory for all Ontario municipalities.
- 2) Municipal Financial Sustainability
 - Revise the taxing authority for the City to be in line with the City of Toronto Act;
 - Review a number of taxation policies to allow for increases/variations in amounts charged (hotel & accommodation, heads & beds etc.);
 - Expand the investment opportunities afforded to municipalities;
 - Provide further clarity on the cancellation, reduction or refund of taxes; and
 - The scope of Administrative Penalties should be expanded for all parking offences and increasing the maximum penalty amount from \$100.00 to at least \$300.00.
- 3) Responsive and Flexible Municipal Government
 - Amend the legislation to permit **90 days** (instead of 60 days) to fill a Council vacancy;
 - Clarify the requirements for retention of electronic records; and
 - Create a legislative framework for Council decision-making in the digital era, including provisions for electronic meetings and making decisions by written, electronic resolutions in some circumstances.

Highlights of the Proposed Amendments to the Municipal Conflict of Interest Act (MCIA) (Attachment “B”)

- 1) Accountability and Transparency
 - Accountability and transparency training should be a mandatory part of Councillor orientation;
 - Municipal Council Codes of Conduct should be required to align with the Municipal Conflict of Interest Act;
 - Create a framework and safeguards to prevent and address frivolous or vexatious complaints; and
 - Authorize municipal Integrity Commissioners to investigate alleged conflicts of interest and to impose penalties for violations of the MCIA.

2) Responsive and Flexible Municipal Government

- Modernize the Municipal Act to ensure requirements are clear and easily understood; and
- Replace “pecuniary interest” with a term that better reflects the goals of ethics and integrity.

Financial Considerations:

Not Applicable.

Human Resources Considerations:

Not Applicable.

Alignment with Strategic Priorities:

The Municipal Act and Municipal Conflict of Interest Act are fundamental components of the legislative framework that supports local democracy, accountability and transparency in municipal government. This report and submission of recommendations to the Province align with Markham Council’s Strategic Priorities, particularly:

- Exceptional Services by Exceptional People;
- Engaged, Diverse and Thriving City; and
- Stewardship of Money and Resources.

Business Units Consulted and Affected:

All City Departments

Recommended By:

X 

Kimberley Kitteringham
City Clerk

X 

Trinela Cane
Commissioner, Corporate Services

Attachments:

Attachment “A” - City of Markham Recommendations for Reforming the Municipal Act

Attachment “B” - City of Markham Recommendations for Reforming the
Municipal Conflict of Interest Act

Attachment “C” - Municipal Legislation Review - Public Consultation Discussion Guide