

Memorandum

TO: Members of Committee of the Whole
FROM: Joy Hulton, Regional Solicitor
DATE: April 13, 2017
RE: **Update on Bill 68 – *Modernizing Ontario’s Municipal Legislation Act, 2017***

Bill 68, *Modernizing Ontario’s Municipal Legislation Act, 2017* (Bill 68) was introduced in the legislature in November 2016 to amend the *Municipal Act, 2001*, the *Municipal Elections Act* and the *Municipal Conflict of Interest Act* in response to the changing needs of municipalities.

On March 23, 2017 the Provincial Legislature concluded the Second Reading debate and referred Bill 68 to the Standing Committee on Social Policy. The committee meeting has not yet been scheduled.

Several issues of concern were identified during Second Reading debate

Members of the Legislature have requested a clause by clause review of Bill 68 as well as further consultation with municipalities. During the Second Reading debate, members identified several issues of concern, including the following:

- The legislation fails to provide new revenue tools for municipalities.
- Electronic participation in council meetings may discourage participation and accountability by members of council.
- Expanded use of administrative monetary penalties may be unfair as there is no appeal process
- The mandate of municipal Integrity Commissioners will be expanded but the level of oversight by the accountability officers is still determined by council so their scope of oversight may still be limited.

If the Province proceeds with further consultation on Bill 68, the legislation may not be passed before the summer recess.

Bill 68 includes amendments to the provisions governing changes in composition of upper-tier councils

Bill 68 introduces amendments to the process for changing the composition of an upper-tier council, including a change in the number of members of council that represent one or more of its local municipalities. Currently a regulation is required to permit a change in composition, and implementing a change requires “triple majority” approval of a bylaw enacted by the upper-tier council. Bill 68 proposes to eliminate the requirement for a regulation but all other requirements including triple majority approval of an upper-tier bylaw will still be required.

In 2013, the Minister of Municipal Affairs enacted a regulation to permit Regional Council to increase its composition by the addition of one member from the City of Vaughan. The implementing bylaw did not receive support from a majority of the local municipalities and the change did not proceed. The regulation is still valid under the existing legislation. It would become redundant if a change is implemented after Bill 68 is passed.

Any change to the composition of Regional Council whether under the existing legislation or the amendments in Bill 68 would have to be approved and enacted by bylaw prior to December 31, 2017 to take effect in the 2018 municipal election.

Staff will continue to monitor the progress of Bill 68 and seek direction from Council in the event of further consultation by the Province.

Joy Hulton
Regional Solicitor

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