

Putting new municipal accountability measures into action

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By Jill Dougherty

Major amendments to the *Municipal Act, 2001* took effect on January 1, 2007. One of the key changes was the introduction of accountability provisions that give municipalities the power to create new positions to help ensure that good governance is maintained by local council and boards.

While these powers are permissive and not mandatory, the new positions Integrity Commissioner, Ombudsman, Auditor General, and Lobbyist Registrar can play key oversight roles as municipalities begin exercising the new and broader powers of autonomy that the *Municipal Act* now provides. Here's an overview of each of the four positions.

Integrity Commissioner

Municipalities can now establish codes of conduct for council members and members of local boards. The Integrity Commissioner is an independent officer responsible for seeing that the code of conduct is properly applied and that the behaviour of councilors and board members is ethical. The Commissioner can also conduct inquiries into any alleged breaches of the code of conduct.

Ombudsman

The Ombudsman's role is to independently and impartially investigate recommendations, decisions or acts done in the course of the municipality's administration that have had an impact on any person or group of people. The investigations are carried out in private, and the Ombudsman reports directly to council.

Auditor General

The Auditor General helps council hold itself and its administrators accountable for the oversight and spending of public funds, and for the achievement of value for money in municipal operations. The municipality itself specifies the duties that are assigned to the Auditor General.

Lobbyist Registrar

The *Municipal Act* provides municipalities with significant scope in terms of dealing with people who lobby public office holders. The municipality can define who a lobbyist is, require lobbyists to file returns to a lobbyist registry, establish a code of conduct, suspend or revoke registration and prohibit former public office holders from lobbying for a specified time period after they leave. The Lobbyist Registrar carries out functions assigned by the municipality in an independent manner and is responsible for the lobbyist registry and, upon request, making inquiries to ensure compliance with it.

Consider your options

There are a variety of ways to establish some or all of these integrity functions within a municipality. Whatever integrity functions you are considering, be sure to explore the different options available to you and get the professional advice you need to ensure you find the structure that's best for your municipality.

WeirFoulds has extensive experience advising and acting for municipalities. We understand the accountability and governance issues faced by municipalities and how to address them. If you are considering the creation of one or more of these positions, we can help you before, during and after the establishment of these positions, and offer ongoing advice to the people appointed to these positions to help them carry out their duties.

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