

Bill 68: Proposed Amendments Have Far-Reaching Implications

March 29, 2017

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, received second reading and was referred to the Standing Committee on Social Policy on March 23, 2017. Bill 68 proposes a number of amendments to the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the *Municipal Elections Act* which could have a significant impact on how municipalities and their councils function.

Some of the highlights of the changes proposed by Bill 68 are described below.

Municipal Act, 2001

- section 223.2 will make codes of conduct mandatory for all municipal councils and local boards
- section 223.3 will allow Integrity Commissioners to give advice to members about their obligations under codes of conduct and the *Municipal Conflict of Interest Act*
- section 223.3 will also allow Integrity Commissioners to initiate inquiries with respect to the *Municipal Conflict of Interest Act*
- the definition of "meeting" in sections 238 will be changed to mean a meeting in which a quorum of members is present and members deal with a matter in a way that materially advances the business or decision-making of the council
- additions to section 239(2) will allow meetings to be closed to the public if the matter being considered involves:
 - information supplied in confidence from the Federal or Provincial governments
 - trade secrets or scientific, technical or commercial information
 - a position, plan or instruction to be applied to negotiations
- section 270(1) will require municipalities to adopt and maintain policies with respect to the relationship between members of council and the officers and employees of the municipality

Municipal Conflict of Interest Act

- a new section 5(2.1) will allow a member to participate in the discussion, but not the vote, where the matter being considered is whether to suspend the remuneration paid to the member
- a new section 5.1 will require members who disclose a pecuniary interest to file a written statement of the interest with the clerk
- section 6.1 will require municipalities to establish and maintain a registry of written statements of interest and minutes of disclosure of interests
- changes to section 8 will allow applications to court to be brought against former members as well as against current members
- the 6-week time limit for starting an application will be extended in situations where the applicant applies to an Integrity Commissioner for an inquiry
- the judge hearing an application will be given discretion to consider whether the member took reasonable measures to comply with the Act or whether the member sought the advice of an Integrity Commissioner when determining the penalty for a breach

- section 6 will be amended to change the start of the council term to November 15 from December 1
- section 88.9 will be amended to increase the maximum contribution to a candidate from \$750 to \$1200, and section 88.13 will be amended to increase the maximum contribution to a registered third party from \$750 to \$1200
- a new section 88.9.2 will provide rules for the maximum amount a candidate and the candidate's spouse can make to the candidate's election campaign

These changes, if implemented, will require municipalities to make changes to how they operate. For advice on how to navigate these changes, please contact us.

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