

# **INFORMATION ITEMS**

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**Week Ending December 1, 2017**

## **REPORTS**

1. Bill 68 – Modernizing Ontario’s Municipal Legislation Act Review and Follow-up

## **INTERGOVERNMENTAL CONSULTATIONS**

1. Proposed New Regulation to be made under the Electricity Act, 1998
2. Policy Proposal Notice: Food and Organic Waste Framework
3. Climate Change Adaptation

## **CORRESPONDENCE**

1. City of Kingston Resolution re: Minister’s Expert Panel Report on Public Health

## **BOARDS & COMMITTEES**

1. None

## **ITEMS AVAILABLE IN THE CLERK’S OFFICE**

1. None

# Information Report



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|---------------|---|
| Service Area  | Corporate Services  |
| Date          | Friday, December 1, 2017  |
| Subject       | <b>Bill 68 - Modernizing Ontario's Municipal Legislation Act Review and Follow-up</b> |
| Report Number | CS-2017-79  |

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## Executive Summary

### Purpose of Report

To provide information regarding changes to the Municipal Act, the Municipal Conflict of Interest Act (MCIA) and the Municipal Elections Act (MEA) as a follow-up to the Bill 68, Modernizing Ontario's Municipal Legislation Act information report, dated May 12, 2017.

### Key Findings

Bill 68 is an omnibus bill which amends various pieces of legislation affecting municipalities. Bill 68 received Royal Assent on May 30, 2017. Several of the changes do not require immediate action and are included in the body of this report for information only. The following changes require action from staff and/or elected officials:

- Statements of pecuniary interest made by members must now be submitted in writing (comes into effect March 1, 2019);
- Statements of pecuniary interest made by members shall be maintained in a public registry (comes into effect March 1, 2019); and
- Four new exceptions to hold closed meetings have been added (comes into effect January 1, 2018).

### Financial Implications

None.

## Report

On May 12, 2017, an information report titled [Bill 68, Modernizing Ontario's Municipal Legislation Act](#) was forwarded to Council in the weekly information items package. This report summarised Bill 68, an omnibus bill which at the time had yet to be passed, and its potential effect on the municipal sector. Bill 68 received royal assent on May 30, 2017. Most of the MEA changes included as part of Bill 68 will be in force for the 2018 election. The province has further announced that some

sections of Bill 68 will be proclaimed into force on January 1, 2018 while others will be proclaimed on March 1, 2019.

This report serves to update Council and highlight governance obligations pursuant to the new legislation. Procedures regarding changes, which come into effect on March 1, 2019, will be highlighted for Council and the public through an information report in early 2019.

### **In force for the 2018 election:**

Municipal Elections Act changes:

- Increase maximum campaign and third party contributions from \$750 to \$1,200.
- Changes in amounts to candidate's own contributions
  - For office of Mayor: \$7,500 plus 20 cents for each elector, not to exceed \$25,000.
  - For office of a member of Council: \$5,000 plus 20 cents for each elector, not to exceed \$25,000.

### **In force for the 2022 election:**

- New term of Council to commence November 15.

### **Proclaimed as of January 1, 2018**

Municipal Act changes:

- Electronic participation at meetings

Although this is now permitted, the member who participates electronically is not counted for the purpose of quorum. In addition, this option is limited for Guelph as the City's Procedural By-law requires recorded votes and there is currently no mechanism for doing so remotely. There are also considerations to be made regarding chronic electronic participation and the public's expectation of accountability and transparency in attending or viewing Council meetings.

- Four new exceptions for going into a closed Council/Committee session
  - information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- If a closed meeting investigation report is received which concludes that a matter appears to have been closed to the public contrary to the closed meeting provisions in the Municipal Act or the Procedural By-law, the municipality or local board shall pass a resolution stating how it intends to address the report.

**Proclaimed as of March 1, 2019**

Municipal Act changes:

- No application for an investigation regarding the Code of Conduct may be made between nomination day and voting day in a regular election.
- The Integrity Commissioner may provide educational information to members and the public regarding the Code of Conduct and the MCIA.

Municipal Conflict of Interest Act changes:

- In addition to disclosing pecuniary interests and the general nature thereof, members shall file a written statement of the same.
- The Clerk shall maintain a public registry of the statements of pecuniary interest (to be posted on [guleph.ca](http://guleph.ca)).
- Complaints regarding alleged MCIA breaches may be brought forward to the Integrity Commissioner or through the courts.
- The Integrity Commissioner may apply to a judge for a determination on whether a member contravened the MCIA.
- No application for an investigation regarding the MCIA may be made between Nomination Day and Voting Day in a regular election.

- A member may participate and influence, but not vote, when Council considers the suspension of their remuneration for a breach of the Code.
- A member may attend a closed meeting where Council considers the suspension of their remuneration for a breach of the Code.

Of note, the City already has in place many of the requirements which are now mandated by Bill 68; such as a Code of Conduct for Council and Local Boards and an Integrity Commissioner.

Some components of Bill 68, which were initially proposed, have been removed prior to enactment. Most notably, the ability for the Integrity Commissioner to conduct investigations on their own initiative has been removed.

## Financial Implications

None.

## Consultations

## Corporate Administrative Plan

### Overarching Goals

Service Excellence

### Service Area Operational Work Plans

Our Services - Municipal services that make lives better

## Departmental Approval

None.

## Report Author

Dylan McMahon, Council Committee Coordinator



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### Approved By

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| Provincial/Federal Consultation Alert                              |          |                       |  |   |  |                       |   |
|--|----------|-----------------------|--|---|--|-----------------------|---|
| Title  | Ministry | Consultation Deadline | Summary  | Proposed Form of Input  | Rationale  | Lead                  | Link to Ministry Website  |
| Proposed New Regulation to be made under the Electricity Act, 1998 | Energy   | January 12, 2018      | <p>The purpose of the proposed regulation is to ensure the appropriate siting of renewable energy generation facilities in relation to residential areas and prime agricultural land.</p> <p style="text-align: center;">***</p> <p>The Province's 2017 Long-Term Energy Plan (LTEP) commits to enhance Ontario's net metering framework to give customers new ways to participate in clean, renewable electricity generation. In accordance with this commitment, the Ministry of Energy intends to expand net metering eligibility to include new ownership models and to ensure appropriate consumer protection provisions and siting restrictions are in place. The Ministry of Energy intends to propose regulatory changes to enable new ownership models, as well as other regulatory measures in support of an expanded and enhanced net metering framework, as follows:</p> <ul style="list-style-type: none"> <li>• Enable third-party ownership of net-metered generation facilities and virtual net metering demonstration projects</li> <li>• Adapt and enhance the existing energy consumer protection framework to support</li> </ul> | <p>Staff comments will be submitted on the online Environmental Registry (EBR) and provided to Council via the Information Package following the consultation deadline. A joint response will be prepared through EWaCC and Climate Change Office</p> | <p>Staff level comments will be consistent with the City's approach with energy planning.</p> <p>Restrictions on siting of renewable energy generation systems may impact the city's ability to meet targets for local renewable generation in the Community Energy Initiative</p> | Climate Change Office | <a href="http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM0MDM0&amp;statusId=MjAzODk3&amp;language=en">http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM0MDM0&amp;statusId=MjAzODk3&amp;language=en</a> |

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|  |  |  | <p>the introduction of third-party ownership arrangements</p> <ul style="list-style-type: none"><li>• Ensure that prescribed types of renewable energy generation facilities are sited appropriately.</li></ul> |  |  |  |  |
|--|--|--|---|--|--|--|--|

| Provincial/Federal Consultation Alert  |  |                       |   |  |   |   |   |
|--|--|-----------------------|---|--|---|---|---|
| Title  | Ministry                                       | Consultation Deadline | Summary   | Proposed Form of Input   | Rationale   | Lead  | Link to Ministry Website  |
| <p><b>Policy Proposal Notice</b></p> <p>Food and Organic Waste Framework</p> | Ministry of the Environment and Climate Change | January 15, 2018      | <p>An EBR notice has been posted (013-1814) as a Policy Proposal Notice. The Ministry has developed a proposed Food and Organic Waste Framework as part of its commitments in the Strategy for a Waste-Free Ontario: Building a Circular Economy. The Framework consists of two complementary components:</p> <ul style="list-style-type: none"> <li>Part A: Proposed Food and Organic Waste Action Plan which outlines strategic commitments to be taken by the province to address food and organic waste; and,</li> <li>Part B: Proposed Food and Organic Waste Policy Statement under the Resource Recovery and Circular Economy Act, 2016, which provides direction to the province, municipalities, producers, IC&amp;I sector, waste management sector, and others to further the provincial interest in waste reduction and resource recovery as it relates to food and organic waste.</li> </ul> <p>The proposed Framework strives towards the achievement of the following objectives:</p> <ul style="list-style-type: none"> <li>Reduce food and organic waste</li> <li>Recover resources from food waste and organic waste</li> <li>Support resource recovery infrastructure</li> <li>Promote beneficial uses of recovered resources</li> </ul> <p>The proposed Framework includes actions and policies which support Ontarians as they prevent food and organic waste, rescue surplus food, recover resources from food and organic waste, and find sustainable end-uses for products made from organic materials.</p> | Staff comments will be submitted on the online Environmental Registry (EBR) and provided to Council via the Information Package following the consultation deadline. | <p>Staff response on the proposed Framework will be consistent with our comments given at our invited participation at Ministry Food Waste Consultation Sessions.</p> <p>The City of Guelph has a vested interest in diverting food and organic waste from landfill through the operation of our Organic Waste Processing Facility, thereby reducing our carbon footprint and increasing our diversion rate.</p> <p>Further, due to some of the proposals in the framework, there may be considerations related to City operations, capacity, promotion/education, etc.</p> | Solid Waste Resources, Environmental Services | <a href="https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzOTI0&amp;statusId=MjAzNzAz&amp;language=en">https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzOTI0&amp;statusId=MjAzNzAz&amp;language=en</a> |

| Provincial/Federal Consultation Alert |  |                       |   |  |   |                       |   |
|---------------------------------------|--|-----------------------|---|--|---|-----------------------|---|
| Title                                 | Ministry                                       | Consultation Deadline | Summary   | Proposed Form of Input   | Rationale   | Lead                  | Link to Ministry Website  |
| Climate Change Adaptation             | Ministry of the Environment and Climate Change | January 21, 2018      | <p>The Province is seeking feedback regarding its climate change adaptation approach.</p> <p>Ontario has made progress on a number of climate change adaptation actions, and this proposal outlines the next set of actions to help ensure communities and their partner organizations, governments, private businesses and individual Ontarians have the information they need to build resilience in a changing climate</p> | <p>Staff comments will be submitted on the online Environmental Registry (EBR) and provided to Council via the Information Package following the consultation deadline.</p> <p>A joint response will be prepared through EWaCC and Climate Change Office</p> | <p>Staff level comments will be consistent with the City's approach to climate change mitigation strategies and adaptation planning.</p> <p>Given that climate change is affecting Guelph, it is the City's desire to ensure provincial programming assists with our adaptation planning.</p> | Climate Change Office | <a href="http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzNjA3&amp;statusId=MjAzMTcz&amp;language=en">http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzNjA3&amp;statusId=MjAzMTcz&amp;language=en</a> |



Office of the City Clerk

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November 27, 2017

*Via email*

To all Municipalities in Ontario with populations greater than 40,000:

Dear Sirs/Madames:

**RE: Kingston City Council Meeting, November 21, 2017 – Motion Regarding Minister's Expert Panel Report on Public Health**

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At the regular meeting of Kingston City Council held on November 21, 2017, Council approved the following resolution, requesting that the Association of Municipalities of Ontario and the Association of Public Health Agencies criticisms of the Expert Panel Report on Public Health be reviewed and thoroughly addressed before implementing any recommendations:

**Whereas** the Association of Municipalities of Ontario (AMO) has written a thorough position paper on the Minister's Expert Panel Report on Public Health, and does not support the recommendations of the Report; and

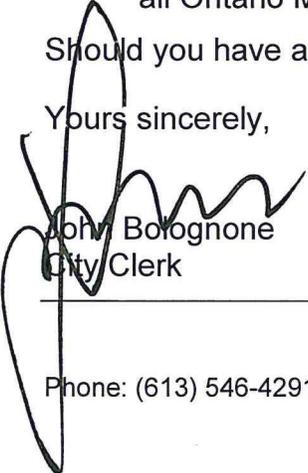
**Whereas** KFL&A Public Health Board and the Ontario Public Health Organization (alPha) have both endorsed the AMO response to the Minister's Expert Panel Report;

**Therefore Be It Resolved That** the City of Kingston also strongly endorses the AMO position and requests that the Minister review the criticisms of AMO and alPha, and thoroughly addresses them before implementing any recommendations, and

**That** this motion be shared with MPP Sophie Kiwala, Minister of Health and Long Term Care Dr. Eric Hoskins, Premier Kathleen Wynne, Opposition Leaders Patrick Brown and Andrea Horwath, AMO, alPha, and KFL&A Public Health, and all Ontario Municipalities with populations over 40,000

Should you have any questions, please do not hesitate to contact me.

Yours sincerely,



John Bolognone  
City Clerk

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