



## TOWN OF MINTO

**DATE:** December 23, 2015  
**REPORT TO:** Mayor and Council  
**FROM:** Bill White, CAO/Clerk  
**SUBJECT:** Delegations 2016 OGRA ROMA Conference

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### **STRATEGIC PLAN**

- 5.1 Actively and professionally seek out Federal and Provincial grants and revenue-sharing programs, and promote sustainable and equitable funding programs that require a minimal amount of reporting and promote local accountability.

### **BACKGROUND:**

The 2016 Combined Ontario Good Roads Association Rural Ontario Municipalities Conference (OGRA ROMA) is February 21-24 in Toronto. The conference, along with AMO in August, is a chance for Council to seek delegations with Provincial Ministers regarding areas of municipal concern. The following are the delegations since 2011:

- February 2011 OGRA/ROMA Minister of Infrastructure Bob Chiarelli access to Provincial Gas Tax
- August 2011 AMO Rick Bartolucci Ministry of Municipal Affairs downtown incentives
- February 2012 OGRA/ROMA then Minister of Municipal Affairs Kathleen Wynn Source Water Protection integration with Provincial Policy  
Attorney General John Gerretson Joint and Several Liabilities
- August 2012 AMO Minister of Environment James Bradley Source Water Protection Implementation
- February 2013 OGRA/ROMA Minister of Environment James Bradley Source Water Protection Implementation, Town of Minto Resolution  
Minister of Transportation Glen Murray Connecting Link Funding
- August 2013 delegation Parliamentary Assistant to Minister of Transportation jointly with Wellington North and North Perth regarding restoration of the connecting link program
- February 2014 Minister of Municipal Affairs Linda Jeffrey Streamlining Municipal Reporting
- August 2014 Parliamentary Assistant to Minister of Municipal Affairs regarding streamlining reporting and Public Sector and MPP Accountability and Transparency Act; Deputy Premier Deborah Matthews Public Sector and MPP Accountability and Transparency Act; Minister of Agriculture Jeff Leal Rural Ontario Municipalities Economic Development Update; Minister infrastructure Sustainable Infrastructure Funding Model
- February 2015 Minister of Municipal Affairs Ted McMeekin Streamlining Municipal Reporting; Associate Minister of Health with responsibility for Long-Term Care Hon. Dipika Damerla, Strong Health Care Options Rural Ontario

Council and staff monitored a number of key Provincial positions through 2015 and provided feedback on such matters as ranked ballots; connecting link funding, climate change, and municipal act and conflict of interest act reform. In 2014 Minto had delegations with the Ministry of Municipal Affairs and the Deputy Premier regarding the Public Sector and MPP Accountability and Transparency Act 2014 which had just been

proclaimed. That legislation allows complaints regarding any municipal service to be referred to the Ombudsman for review. There is no known direction on how these complaints will be monitored or handled by the Province. In fact the Ministry of Municipal Affairs and Housing website is not informative on this issue.

#### **COMMENTS:**

This legislation comes into effect January 1, 2015 with little guidance on how it will work. At the time of delegations in 2014 Provincial officials up to the Deputy Premier assured the Town that procedures would be in place to ensure people fully exhausted local appeal processes before the Ombudsman would become involved. Also complaints would be tracked and grouped so that the Ombudsman would only be expected to become involved if there was a trend in concern being expressed.

Council can appreciate that every time a water meter issue, dog control matter, or pothole complaint goes to the Ombudsman there will be an issue with the amount of reporting the agency may require and the number of complaints the Ombudsman will have to address. Also the Ombudsman was not to have the authority to “overrule” any local decision making although the extent of what their reports might be on such complaints is not clear. According to the Ombudsman 2014-15 Annual Report they are still “preparing” to perform this new roll. It would be in order to appear before the Province on this issue.

The Town has also appeared before the Province regarding streamlining municipal reporting, sustainable formula based infrastructure funding, and on-going support for rural downtowns and economic development. There has been a good exchange of information, and some progress has been made on these issues.

Before AMO staff reported that the Province was taking stock of its municipal relationships with a view to some long term initiatives noting the publication of key documents for review:

1. Review of key elements of Ontario’s municipal legislative framework: the Municipal Act, the City of Toronto Act, and the Municipal Conflict of Interest Act. September
2. Building Ontario Up, Discussion Guide for Moving Ontario Forward – Outside the GTHA
3. Climate Change: Discussion Paper 2015 A Plan for Ontario’s Future

Staff did bring forward these reports so it may be worthwhile following up on such matters as climate change funding and reporting, rural broadband, ranked ballots, natural gas for rural areas and similar. Expanding municipal revenue generating options (such as share of the gas tax) to help fund rural infrastructure are other issues that may be relevant.

#### **FINANCIAL CONSIDERATION:**

Delegations are at no additional cost to the Town. Deadline for requests is January 8.

#### **RECOMMENDATION:**

That Council receives the December 23, 2015 report from the C.A.O. Clerk regarding delegation requests 2016 OGRA ROMA Conference and that Council request a delegation with the Ministry of Municipal Affairs and Housing on implementing the Public Sector and MPP Accountability and Transparency Act 2014, and the Ministry of Environment and Climate Change on funding and reporting on local climate change initiatives.

Bill White, C.A.O. Clerk

## Coming soon to a municipality near you

Complaints to our Office about municipalities rose to a new height of **1,656** in fiscal 2014-2015, likely as a result of publicity related to Bill 8. The new legislation officially gives this Office authority to investigate the administrative conduct of publicly funded school boards and universities, as well as municipalities, local boards, and municipally-controlled corporations.<sup>1</sup>

As we prepare for a more substantial role in the municipal sector, we are growing our team and conducting extensive research, education and training related to municipal law, accountability structures and issues. We also partnered with Canada's Public Policy Forum to convene a series of roundtables across the province with stakeholders in the municipal, university and school board sectors. In these sessions, we heard concerns and questions about Ombudsman oversight, which have helped us in planning outreach materials as well as a public conference that will take place early next year. In addition, we have participated in numerous conferences and educational sessions across the province to inform municipal officials about what they can expect from our Office in future.

To build on our existing knowledge of and experience with municipalities, we are gathering information about their complaint resolution processes. We will also distribute outreach materials and encourage municipalities to share information about our Office with council members, staff, and the citizens they serve.

More detail about how our new mandate works can be found on our website, but the main points to know are:

- We will act as a **last resort**, referring people to local complaint and accountability mechanisms, where they exist.
- As we do with the tens of thousands of complaints we receive about provincial bodies, we will **work to resolve complaints about municipalities wherever possible**.
- Our services will be **efficient, confidential and free of charge**.
- We will **track trends in complaints** and will be able to conduct investigations into systemic issues across municipalities, including Toronto.

“The role of the Ontario Ombudsman will be expanded to include municipalities, school boards, and publicly-funded universities. Complaints made to the Toronto Ombudsman will be exempt from the Ontario Ombudsman's jurisdiction. However, the Ontario Ombudsman could still include Toronto, along with any other municipality, in a systemic, broad-ranging investigation.”

<sup>1</sup> ONTARIO GOVERNMENT PRESS RELEASE ON THE DAY BILL 8 WAS PASSED  
(DECEMBER 9, 2014)

<sup>1</sup> Our authority is subject to a couple of limits: We will not be able to investigate matters within the authority of the Ombudsman for the City of Toronto, although our ability to conduct "own motion" investigations is preserved. In addition, certain local boards will be exempt under O.Reg. 114/15.



## Enhancing, not replacing, local accountability

Our eight years of experience with closed meeting investigations positioned our Office well for the broader responsibilities of Bill 8. Unfortunately, after eight years of explaining how we function as the free-of-charge, default closed meeting investigator for all municipalities, we are now seeing some confusion about our new role.

After 2008, many municipalities determined that they did not need to hire outside investigators for closed meeting complaints, since our Office provided that service. More recently, we have heard municipalities use the same rationale for not establishing local accountability officers such as ombudsmen, auditors general and integrity commissioners: Under Bill 8, won't the Ombudsman's office do that for free?

Despite having the authority to establish their own accountability officers since 2008, very few municipalities did so. Only Toronto has an ombudsman, because it is required by the City of Toronto Act. At the time this report was written, only a handful had auditors general, and fewer than 10% (about 40) had integrity commissioners.

Our role under Bill 8 is not to usurp or replace local accountability offices, and we encourage municipalities to create and bolster their own complaint resolution processes. It is a matter of good operational practice to resolve complaints at the local level and have accountability officers to ensure the integrity of council and municipal administration. Municipalities can design these systems and positions with their local needs and context in mind. Some have recently opted to group together to share the services of an ombudsman or integrity commissioner; this is an encouraging trend.

Traditionally, the Ombudsman is an office of last resort. We do not duplicate the work of local complaints resolution processes or accountability officers; we ensure they reflect best practices and are operating as intended. However, we will be able to step in where local officers fail or simply cannot go, and we can tackle broader systemic issues that go beyond individual municipalities, just as we do at the provincial level.

## The more things change...

It should be noted that Bill 8 did not change Ombudsman oversight with respect to the closed meeting investigation system. As has been the case since 2008, municipalities can still hire anyone they choose to be their closed meeting investigator. We recommended that the Ministry address the existing patchwork system of investigators as part of its review of the *Municipal Act*.

However, Bill 8 did include important changes to clarify how our reports are to be dealt with by municipalities. After January 1, 2016, municipalities will have to deal with our draft preliminary reports behind closed doors. This welcome change – consistent with how we have always worked with provincial bodies (by law, we must provide them with an opportunity to respond to our findings before they are made public) – clears up several issues that have frustrated the process in the past. It will prevail over municipal information and privacy legislation, and, among other things, removes the risk that privately discussing one of our ongoing investigations of an illegal closed meeting could trigger yet another investigation. As always, once our report is finalized, the municipality must make it public.