

MINUTES

THE GREAT SOUTHWEST - AMCTO ZONE 1 FALL ZONE MEETING

Wednesday, May 8, 2019 Park Ave Business Centre 25 Creek Road, 2nd Floor Chatham Ontario, N7M0L1

Call to Order

Chair James Jenkins, called the meeting to order at 9:00 a.m.

Minutes - May 8, 2018

Moved By Dianne Gould-Brown Seconded By Stephanie Trayer-Boyd

That the minutes from the May 8, 2018 Zone 1 meeting minutes be approved as circulated.

Carried

Next Meeting

The location and date for the 2019 Fall Zone Meeting will be held on May 6, 2020. Chatham has offer to host again if necessary. An email will be circulated to canvass for hosting opportunity.

AMCTO Update

AMCTO President, Dean Sauriol, encouraged members to get their designations as professional accreditations are increasing. The Zone Challenge is introduced and members are asked to participate. Chair James Jenkins is congratulated on his recent CMO designation.

Director of Policy Relations, Rick Johal, provides an update on public affairs priorities within the Association. A report on the Voter's List will be forthcoming with recommendations to delegate responsibility to Elections Ontario from MPAC. The AMCTO policy blog is promoted for the latest work in legislation reviews, policy decisions, Municipal Minute and Municipal Monitor publications.

A survey will be launched this Fall on the "State of the Membership". This will be an opportunity for the membership to provide advice of the expectations and the future needs of the membership.

The AMCTO requested feedback on the AMCTO Conference in June. Members indicate that the Association should extend the session times, the question box panel session is valuable and continue, and the last key note speaker should be moved to the morning on the last day.

AMCTO will be having an organization review and will be completed by early 2020. Results and recommendation on the review will follow.

Tim Ryall, Legislative Updates

Municipal Administrative and Governance Profile and Municipal Update (MAGPRO)

The Ministry began MAGPRO, a project that reviewed municipal websites for a series of items on transparency and accountability and measuring if municipalities are implementing policies or by-laws on the matter. This project had four themes: Accountability and Transparency, Governance, Corporate Management and Financial Management. The data collected was from January to March 2019. The results are reviewed and overall Zone 1municipalities are doing well. The Ministry will be reviewing again in the winter.

Legislative Updates

The Ministry is investing in municipal service delivery and efficiency. It is requested that municipalities contact their advisors and provide the items that the Municipal Modernization Funding is being used towards and/or for. The province encouraged municipalities to use the funding towards service delivery and efficiencies.

Bill 124, Protecting a Sustainable Public Sector for Future Generations

Mr. Ryall provided details on the legislation and highlighted the 1% wage increase cap for salaries in public education including school board, universities and colleges.

Bill 107, Get Ontario Moving

Mr. Ryall discusses the Highway Traffic Act and ATV's to determine where these off road vehicles can operate. Some municipalities have by-laws regarding ATV's. There will be municipal consultation on this matter.

Bill 117, Ontario Society for the Prevention of Cruelty to Animals Amendment Act

There is no further update provided on this matter.

Proposal for Aggregate Management

Mr. Ryall discusses the pit approval process moving into one stream.

Grants

Investing in Ontario Canada Infrastructure Program is reviewed and municipalities are encouraged to apply.

Thriving in the Face of Toxic Communities

Diane Kalen-Sukra provides an historical overview of the culture of toxic communities and raises awareness of the toxic behaviour.

The meeting recesses for lunch at 12:15 pm and resumes at 1:00 pm.

An Exploration of the Relationship between MFIPPA and the Records Created and Held by Municipal Councillors

Western Graduate Student Evelina Skaliski, provides her major research paper findings on the subject matter. She concludes that the IPC does not have an appetite for Councillors' records.

Closed Meeting and Council Email Chains

Rebecca Hines discussed the latest legal challenges regarding Councillors emails and closed meeting cases. She explains the best practices for holding closed meetings and reporting out.

Toxicity in the Workplace

Marg Szilassy provides a legal case review of recent decisions on workplace harassment and trends in the workplace.

The meeting adjourned at 4:00 p.m.









PRE-REQUISITES



Completed MAP



3 Years Relevant

Experience



Member in Good Standing



WHY MEMBER PURSUE?

- To advance career prospects or pursue more progressive roles.
- Continuing one's professional development and growth.
- To be recognized by senior staff and elected council for your competence.



LEARN MORE ONLINE

- Are you ready? Check out our new webpage today!
- Revised materials and handbooks will guide you through the process.
- AMCTO is recognized as sector leading for municipal accreditation across Canada.





Certified Municipal



ACCREDITATION

152

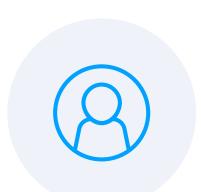
REGISTERED

120

CMO & AMP

32

AOMC



43% OF THE AMCTO MEMBERSHIP HOLD AT LEAST ONE DESIGNATION

This includes AMCT, CMO, AMP and AOMC holders.

AMCTO has a long history of promoting professionalism, development and excellence.



KEY STATISTICS

50% of designation holders have a university degree.

Over half of CMO holders earn over \$100k annually.

AMCTO ranked highest in Dr. Zac Spicer's research report on Perceptions of Municipal Accreditations in Ontario.

2019-20 Accreditation Zone Challenge



CONTEST RULES

Tabulate % and total number of designations earned from June 2019 to June 2020.

HOW TO GET INVOLVED

Register today or mentor others to build their professional portfolio.

DEFENDING CHAMPS

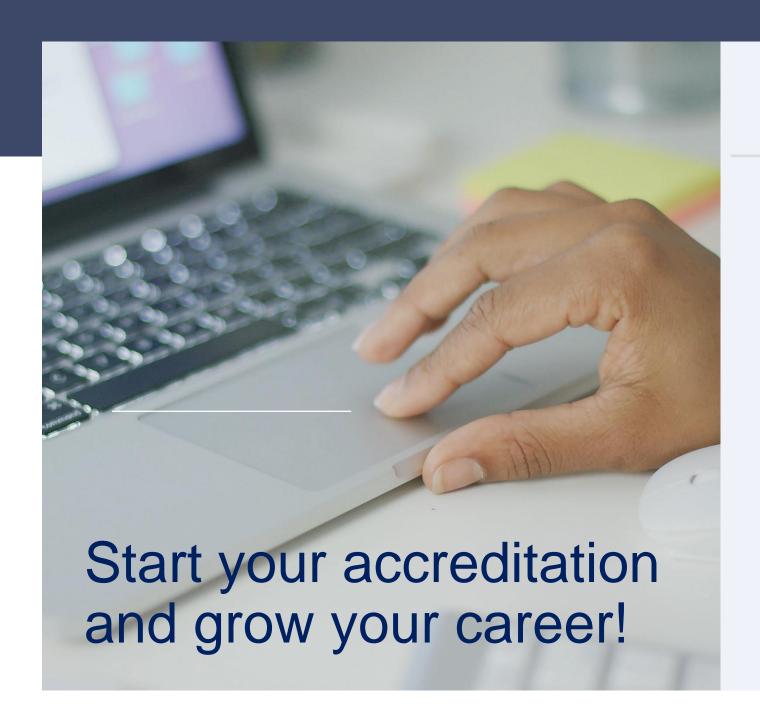
Zone 6 and Zone 8 have bragging rights

TRACK THE CHALLENGE ONLINE

AMCTO has developed a zone tracking webpage to provide real-time updates on designations granted.

ACCREDITATION ZONE CHALLENGE

Time to Get Involved!



What You Can Do:



SELF ASSESS OR MENTOR

Designations advance careers and you might be ready to get one or to help others.



BUILD A PLAN

Commit to the idea of earning a professional designation and develop a plan of action.



GET RECOGNIZED

AMCTO will proudly recognize your achievement with your peers, management and council.

KEY POLICY UPDATES

Public Affairs Priorities









WHAT HAVE WE DONE

- 2019 Pre-Budget Submission
- Managed Municipal Reporting Burden Effort
- Post-Election Survey Review & Analysis
- Minister Clark Addresses AMCTO Delegates

CURRENT FILES

- MEA Submission
- Voters' List Position Paper & Advocacy
- Joint & Several Liability Consultation

3

ON THE HORIZON

- 2020 Pre-Budget Submission
- Municipal Act Review
- Government Burden Reduction Efforts
- Municipal Management Internship Program

Municipal Reporting Burden



2019 AMO CONFERENCE

The Premier of Ontario cited municipal reporting reduction figures in his keynote address at the AMO Conference.

REDUCTION TO DATE

 The government has announced 94 municipal reports eliminated and 27 have been consolidated or simplified. 3

AMCTO VALIDATION

- AMCTO participated in 7 reduction meetings and involved key experts from across the municipal sector.
- The association has requested a list of reduced or eliminated reports. Ministry is waiting to reveal the list.

NEXT STEPS

- AMCTO will continue to work with MMAH and the government on ongoing reporting reduction efforts.
- Minister Clark indicated this work is only just beginning.

Voters' List Advocacy



CURRENT STATUS

Elections Ontario awaits a decision on its recommendations when the House resumes sitting. Minister Clark is currently reviewing the file.

AMCTO has briefed Minister Clark, Attorney General Doug Downey & the Ministry of Finance on the importance of Fixing the Voters' List for our members.

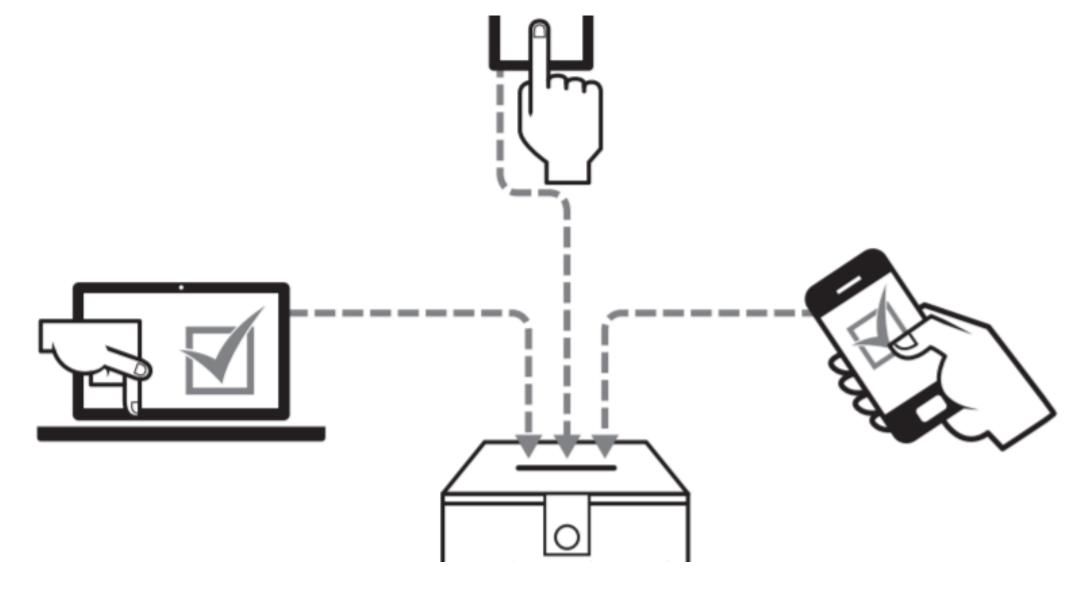


SECTOR INVOLVEMENT

AMCTO encourages members to let key Ministers and your local MPPs know of the support behind the proposed reforms to the Voters' List in Ontario.



AMCTO - MEA Review & Submission





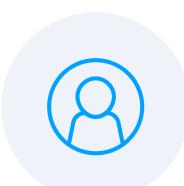
AMCTO POST ELECTION SURVEY

- Deeper analysis ensures AMCTO submission is data driven.
- In September, members received a summary of the postelection survey findings and access to a cleaned dataset.



FORMAL SUBMISSION AND POLICY WORK

- AMCTO Submission will reflect key policy reforms and a evidence based policy rationale to help improve election administration.
- Technical amendments will be discussed with MMAH policy staff.



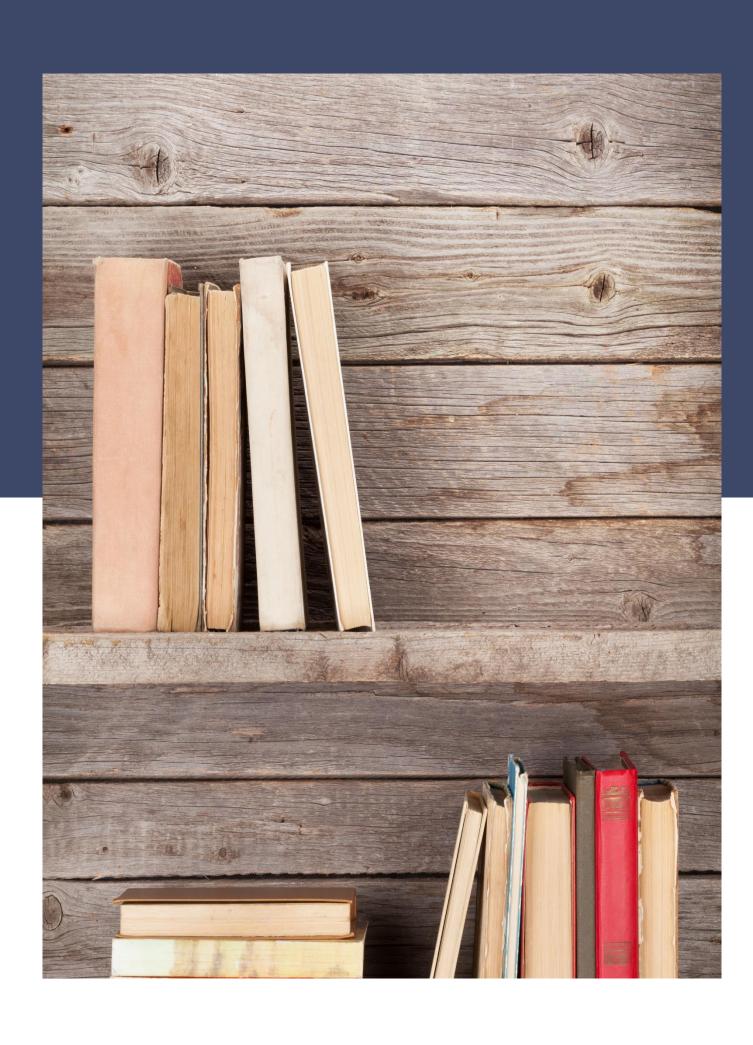
MEA ADVISORY GROUPS

- MEA Advisory Group is reviewing policy and technical amendments.
- Stephen O'Brien Guelph City Clerk is the Chair.
- More detailed survey work forthcoming.



BEING PREPARED

- AMCTO will look to represent members key concerns on the MEA this Fall.
- Member updates will be provided regularly as this process gets underway.



AMCTO Policy and Legislative Services Resources

ISSUE AT A GLANCE – BRIEFING NOTE SERIES

AMCTO POLICY BLOG

AMCTO MUNICIPAL MINUTE E-NEWSLETTER

MUNICIPAL MONITOR MAGAZINE

MUNICIPAL GOOGLE SEARCH TOOL

MEMBER ACCESS TO KEY DATASETS

AMCTO EVENTS & FORUMS

2019 AMCTO State of the Membership Survey



470+ Responses

2015 & 2017

The SOTM Survey gauges members experiences, satisfaction and key demographic information in order to help inform and improve programming, benefits, and services to members.

LAUNCHES THIS FALL



YOUR OPINION AND INPUT MATTERS

- Analyzed data is presented to the Board of Directors after each SOTM survey.
- Feedback guides program development and service delivery
- Benchmarking captures the changing membership over time.











2020 AMCTO Conference June 7th – 10th 2020 Blue Mountain Resort

WE WANT TO HEAR FROM YOU

- What parts of the current AMCTO conference program do you like the most?
- What do you think is missing from the current AMCTO conference program?
- If you could change one thing about the conference program or structure, what would you change?

AMCTO Organizational Review

AMCTO last underwent an organizational review in 2014.



Membership and sector needs are changing quickly.

Align services and resources to future member and business needs.



Follow us on Social Media



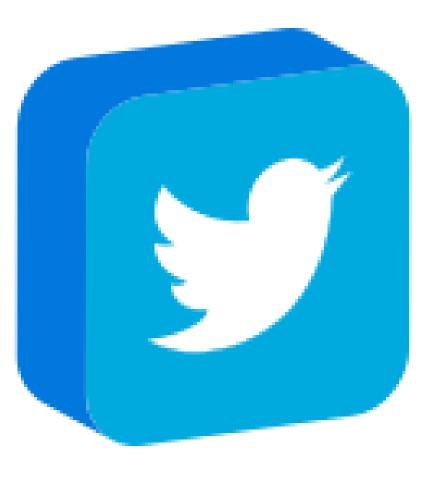








AMCTO LinkedIn Page



@amcto_policy



Ministry of Municipal Affairs and Housing

Municipal Administrative and Governance Profile (MAGPro) and Municipal Update

AMCTO Zone 1 October 16, 2019



Important Notice

- Municipalities are responsible for making local decisions, including complying with any applicable statutes or regulations.
- This presentation is for information purposes only and is not a substitute for legal or other professional advice in connection with any particular matter. This presentation deals with complicated issues and concepts in a highly summarized fashion, and key details may not be included. The inclusion of municipal or other local examples in this presentation does not imply an endorsement by the Ministry.
- Users should verify the information that has been included from other sources prior to making decisions or acting upon it.



MAGPro Purpose

In January 2019, Municipal Service Office (MSO) advisors began collecting information to update Municipal Administrative and Governance Profiles (MAGPro) for each of the 444 municipalities.

The purpose of today's presentation is to:

- provide an overview of MAGPro, and
- share selected results from the 2018 dataset



Municipal Administrative and Governance Profile

What is it?

A tool that helps Ministry staff facilitate more proactive engagement with municipalities.

Contains general information about a municipality in relation to municipal administrative and financial matters based on responses to a set of standardized questions completed by Ministry staff.

Profiles contain questions that cover four local government themed areas:

- Accountability and Transparency
- Governance
- Corporate Management
- Financial Management



Topics Covered in MAGPro

Accountability and Transparency

- Codes of conduct for council and for staff
- Integrity Commissioners
- Use of accountability officers:
 - Municipal Ombudsman
 - Auditor General
- A registry of statements of declarations of pecuniary interests
- Council remuneration

Corporate Janagement

- Strategic plan covering any operation
- Service delivery reviews
- Staff succession plans

- Chief Building Officials and sharing arrangements
- Code of conduct
- Building safety complaint policy
- Procedure by-law
- 6 Municipal Act Section 270 policies
- Electronic meetings
- Policies (e.g. tax collection)
- Asset management plans
- Long-term capital financial plan
- Reg 284/09 report (Budget Matters and Expenses)

Building Services

Governance

Financial Management

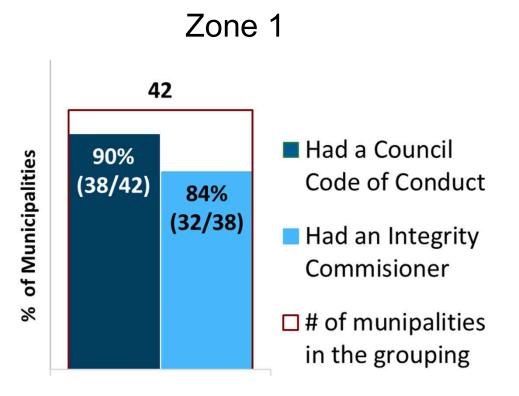
MAGPro Process

- MSO staff collected data from January to March, 2019.
- For the 2018 profile, we focused on data from the 2018 calendar year.
- Answers were obtained through website searches and conversation with municipal staff (e.g. clerk, treasurer)
- Analysis of the complete data set is now complete.
- Results continue to be made available to municipalities through presentations by Municipal Advisors.
- Profiles will be updated again with data from the 2019 calendar year (winter 2019/20)



Code of Conduct and Integrity Commissioners

How many municipalities had these in place in 2018?



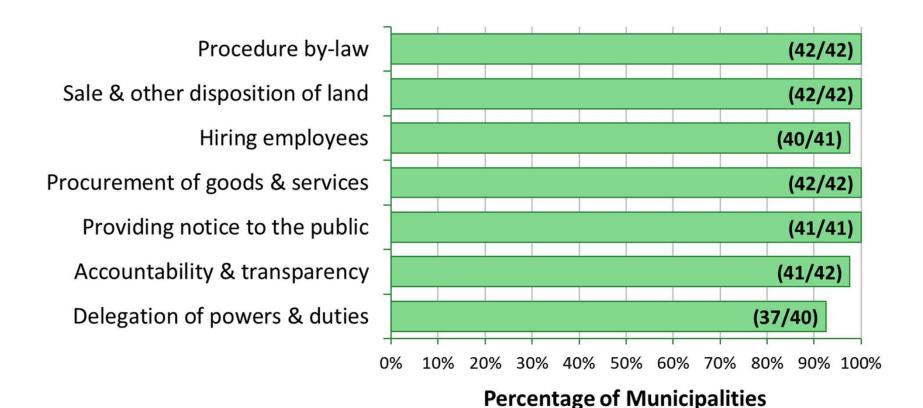
Province

- 88% of municipalities in Ontario had a code of conduct for council.
- 68% of municipalities with a code of conduct had appointed an integrity commissioner.



Section 270(1) Policies – Zone 1

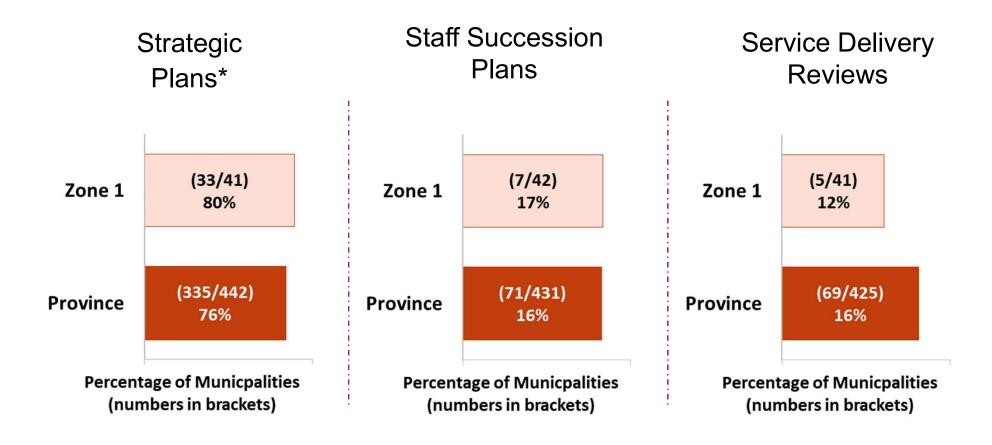
How many municipalities had these policies in 2018?



(number of municipalities in brackets)



Corporate Management

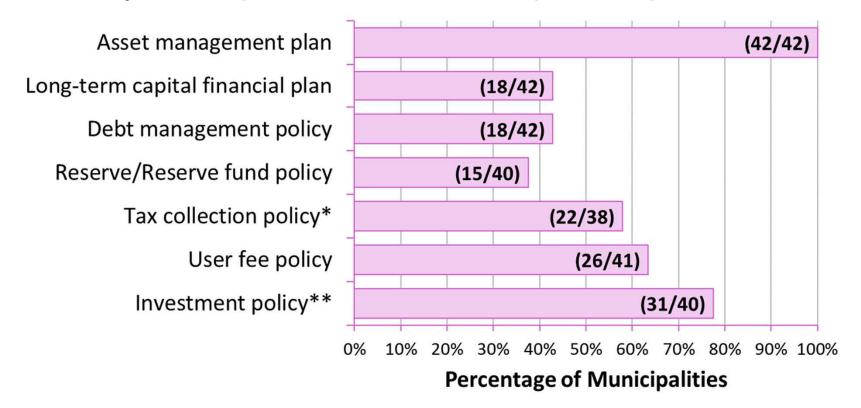


^{*} A strategic plan that encompasses any municipal operations



Financial Management Policies or Plans – Zone 1

How many municipalities in had these policies/plans in 2018?



(number of municipalities in brackets)

* Does not apply to upper tier municipalities

** Does not include municipalities identified as ones that do not currently invest



Municipal Services Division Municipal Services Office (MSO)

Who we are and what we do

- Work alongside ministry and municipal staff to provide advice on policy and program implementation
- Organize and deliver educational activities to municipal stakeholders
- Provide recommendations on issues, policies, and related legislation affecting local governments

Services and products that we provide

- Advise on existing resources for municipalities
- Promote municipal leading practices
- Focus on implementing provincial priorities and plans
- Support our stakeholders by building their capacity to assess and implement the full range of options available to them



Local Government Updates

Investing in Service Delivery and Efficiency

- On March 20th, the Minister of Municipal Affairs and Housing announced funding to support small and rural municipalities' efforts to become more efficient and reduce expenditure growth in the long term.
- This unconditional investment is intended to help modernize service delivery and reduce costs through investments in projects such as: service delivery reviews, development of shared services agreements, and capital investments.
- Municipal Services Offices can offer advice and point to examples.
- In the future, we will be interested to hear your success stories.



Examples

- Township of Laurentian Valley is conducting an Operational Review
- Municipality of Charlton and Dack and Township of Chamberlain are now sharing an office.
- Town of Northeastern Manitoulin and The Islands is pursuing energy conservation and efficiency upgrades.
- Town of Espanola is using some of those funds to make insulation improvements at the arena
- Municipality of Temagami is doing integrated strategic planning, service delivery review, asset management plan update and an official plan update.
- The County of Renfrew is consolidating offices, ending off-site leases.



Audit and Accountability Fund

- In May, the Province launched the Audit and Accountability Fund.
- The Fund provided \$7.35 million for large urban municipalities and district school boards interested in conducting line-by-line reviews to identify potential savings, while maintaining vital front-line services.
- Eligible municipalities were asked to apply by June 30, 2019



Examples

- The City of Barrie is conducting a Service Delivery Review.
- The City of Ottawa is reviewing Ottawa Police Service back-office function
- The City of London is conducting a Service Delivery Review of Housing



Service Delivery Review Guides



https://www.ontario.ca/page/ministry-municipal-affairshousing



Shared Service Resources





https://www.mfoa.on.ca/mfoa/MAIN/MFOA Policy Projects/Shared Services in Ontarios Local Public Sector with Case Studies



Other Updates

Building Services Transformation

- The building industry sector is a \$38B industry and a key driver of Ontario's economy.
- For years, the sector has been raising concerns about the need for modern and timely services to support their ability to understand and apply the highly technical and complex Building Code requirements.
- To make sure the sector has the support it needs to ensure Ontario's economy continues to grow, MMAH will be consulting this Fall on proposals to transform building code services and their delivery.
- There are two key components to building services transformation:
 - **Modernizing Building Code Services:** Enhancing existing services and creating new services to better support municipalities, the public and the building sector. Consultation with municipalities and other relevant stakeholders will inform service design.

Transforming Service Delivery: As part of building services transformation, MMAH will establish a new administrative authority to deliver modern building code services.



Legalization of Recreational Cannabis

- On April 1, 2019, privately run cannabis retail stores authorized by the Alcohol and Gaming Commission of Ontario began to open and sell cannabis in Ontario.
 - In the initial phase, up to 25 licences were issued starting April 1, 2019.
 - In a second phase, the Alcohol and Gaming Commission of Ontario will authorize a total of 50 new private cannabis retail stores to begin opening on a rolling basis in October 2019.
- In the second allocation, stores have the option to locate in municipalities with populations of less than 50.000 and in First Nation reserves.
- When supply from federally licensed producers further improves, the government will provide additional information.
- The province has helped municipalities with implementation costs of recreational cannabis legalization through the Ontario Cannabis Legalization Implementation Fund (OCLIF).
 - Further details on permitted uses of OCLIF funds are available at https://www.fin.gov.on.ca/en/budget/oclif/
- MMAH will continue to work with the Ministry of the Attorney General and the Ministry of Finance to facilitate dialogue with municipalities to support implementation.
- Questions on the Ontario Cannabis Legalization Implementation Fund: OCLIF@ontario.ca
- Questions on cannabis retail stores: municipal@agco.ca



Legislation Updates: Bill 124, Protecting a Sustainable Public Sector for Future Generations Act, 2019

- Current status: First Reading, Carried on division, Government Bill
- If passed will apply to: the Crown in right of Ontario, every board within the meaning of the Education Act, most universities and every CAAT, every hospital within the meaning of the Public Hospitals Act, every not for profit licensee under the Long-Term Care Homes Act, 2007, Ornge, children's aid societies, others.
- If passed will <u>not</u> apply to: municipalities, local boards as defined in the Municipal Act and, "Every authority, board, commission, corporation, office or organization of persons, a majority of whose members, directors or officers are appointed or chosen by or under the authority of the council of a municipality."
- Proposed legislation will cap annual increases at one percent on average for affected employees.



Bill 107, Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019

SCHEDULE 1 Highway Traffic Act

- Numerous amendments are made to the Highway Traffic Act respecting road safety and other matters. Some highlights are as follows:
- Section 21.1 of the Act provides for a system of administrative penalties. Amendments are made in respect of the involvement in that system of municipalities or persons employed by municipalities.
- Currently the Act allows regulations and municipal by-laws to be made permitting the operation of off-road vehicles. The Act is amended to specify that such regulations and by-laws may also prohibit the operation of off-road vehicles.



Bill 117, Ontario Society for the Prevention of Cruelty to Animals Amendment Act (Interim Period), 2019

- Current Status: Royal Assent, June 6, 2019.
- The Bill amends the *Ontario Society for the Prevention of Cruelty to Animals Act* by providing for the application of certain rules during an interim period ending on January 1, 2020 or a date set by the LGIC.
- The rules permit the Solicitor General to appoint any person as the Chief Inspector during the interim period. In addition, during the interim period, the Chief Inspector may appoint any person as an inspector for the purposes of the Act.
- The Solicitor General is provided with regulation-making authority to prescribe classes of persons who may exercise the powers of inspectors during the interim period.
- Designed to bridge the gap created when the OSPCA withdrew from providing inspection services.

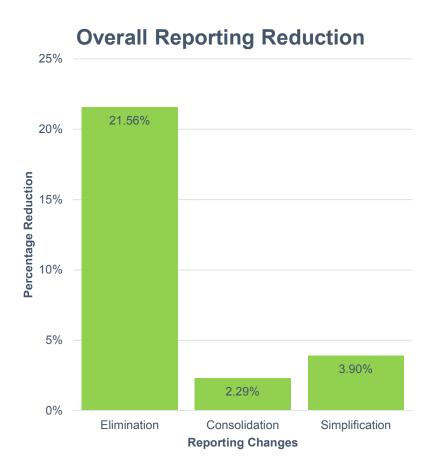


Proposed Changes to Aggregate Management

- Province has released a proposal that aims to reduce administrative duplication and delays, and promote economic growth within the aggregate industry.
- Twin goals of creating opportunities and supporting growth, while maintaining a steadfast commitment to protecting the environment and addressing impacts to our communities.
- Proposal now posted on the Environmental Registry of Ontario for public feedback. Key proposed changes include improving access to aggregates within road allowances; clarifying jurisdiction on Crown land and depth of extraction; and clarifying how haul routes are considered under aggregates legislation.
- Ontario is also proposing to strengthen review of requests to extract aggregates below the water table.



Municipal Reporting Burden



MMAH has been leading the project through:

- 1. Leading inter-ministerial meetings
- 2. Collaborating with municipal associations, including MFOA, since December 2018
- 3. Establishing a provincial inventory of municipal reporting
- 4. Leading municipal reporting reduction results
- 5. Immediate and longer-term reductions



MFIPPA Self-Assessment Tool

- The MFIPPA Program Self-Assessment consists of statements pertaining to the administration of the information and privacy program within an institution as defined under MFIPPA.
- IPA has issued this program self-assessment to enable institutions to identify gaps or areas where their FOI practices and procedures can be strengthened. The program self-assessments will assist individuals responsible for the administration of MFIPPA and senior decision makers as they evaluate their FOI programs, policies and procedures.
- IPA suggests that the program self-assessment be completed by employees with knowledge of the administration of the information and privacy program within the institution and approved and signed by a senior level executive with delegated authority to oversee the administration of the act within the institution.

Resources to assist in administering the Municipal Freedom of Information and Protection of Privacy Act

- Legislation
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Available Guidance
- Freedom of Information and Protection of Privacy Manual
- Further guidance and resources can be found on the <u>Office of the Information and Privacy Commissioner of Ontario (IPC)</u> website.
- Contact Information
- For inquiries related to MFIPPA_requirements or supporting resources, please contact the Ministry of Government and Consumer Services' Information Privacy and Archives Division at web.foi.mgcs@ontario.ca.



Finance Updates

Financial Indicator Review

- On an annual basis the Ministry calculates and reviews select financial indicators for each municipality.
- 7 indicators are produced from data points in the FIR.
- Indicators are shared with the municipality to facilitate dialogue on financial management practices
- Financial Indicator Template (FITs) Review results are provided to municipalities for information purposes.
- Indicators should not be looked at in isolation, and are not a substitute for financial or other professional advice in connection with any particular matter.



New for 2019

Municipalities are responsible for making local decisions, including complying with any applicable statutes or regulations.

Old Indicator	New Indicator	Reason for Change
Net Financial Assets or Net	Net Financial Assets or Net Debt	Own Source Revenues is a better reflection of all the
Debt as a % of Own	as a % of Own Source Revenues	revenues that municipalities have control over.
Purpose Taxation, User		
Fees and Charges		
Debt Servicing Cost as a %	Subtract Donated Tangible	Donated Tangible Capital Assets (TCAs) is an
of Total Revenues	Capital Assets from Total	accounting entry to get the TCA on to the municipality's
	Revenues	books. It is not cash revenue. Year over year changes
		in Donated Tangible Capital Assets impacts year over
		year comparisons.
Annual Surplus / (Deficit) as	Annual Surplus / (Deficit) (less any	Reflect consistency with other changes.
a % of Own Purpose	Donated Tangible Capital	
Taxation, User Fees and	Assets) as a % of Own Source	
Charges	Revenues	



Ontario Municipal Partnership Fund

- As announced at the AMO Conference there will be no changes to the structure of the Ontario Municipal Partnership Fund (OMPF) for 2020 to provide municipalities with greater certainty in fiscal planning.
- The government has committed to announce 2020 OMPF allocations well in advance of municipal budget year.
- The government will continue to work with municipal partners to review the OMPF for 2021 to make sure the program is sustainable and focus on northern and rural municipalities that need funding the most.



Municipal Asset Management Planning

- Asset management planning is the process of making coordinated decisions regarding the building, operating, maintaining, renewing, replacing, and disposing of infrastructure assets.
- Ontario Regulation 588/17 came into effect on January 1, 2018.
- The full text of the regulation is available on e-Laws at https://www.ontario.ca/laws/regulation/170588
- Asset management plans continue to be a requirement for provincial infrastructure funding.
- More information on the regulation, including tools and supports available to help municipalities, can be found at <u>www.Ontario.ca/assetmanagement</u>



Asset Management Regulation Overview

Strategic Asset Management Policy (by July 1, 2019)

Requires municipalities to outline commitments to best practices and continuous improvement

Asset Management Plan: Phase 2 (by July 1, 2023)

Builds out the Phase 1 plan to include all assets

Additional Information

- Municipalities under 25,000 not required to discuss detailed risk analysis or growth.
- Plans would be updated every 5 years; annual progress update given to council.

Asset Management Plan: Phase 1 (by July 1, 2021)

For core assets:

- Inventory of assets
- Current levels of service measured by standard metrics
- · Costs to maintain levels of service

Asset Management Plan: Phase 3 (by July 1, 2024)

Builds on Phase 1 and 2 by adding:

- · Proposed levels of service
- Lifecycle management and Financial strategy

*Core assets are municipal road, bridges, water, wastewater, stormwater assets



Strategic Asset Management Policy

 All municipalities were required to develop and adopt a strategic asset management policy by July 1, 2019. The policy must include:





Current Grant Opportunities

Investing in Canada Infrastructure Program

- The Community, Culture and Recreation stream is an application-based program contributing up to \$1 billion in total partner funding to projects improving access to and/or quality of community, cultural, and recreation infrastructure. Projects must be community-oriented, non-commercial, and open to the public.
- Municipalities, Indigenous communities, public sector and not-for-profit organizations are eligible to apply for funding.
- Projects will be considered within two sub-streams under the CCR program
 - 1. Small-scale renovations and rehabilitations that address functionality and accessibility, with a project cap of \$5 million
 - 2. Larger, new-build or expansion projects for multi-purpose community, cultural and recreation facilities
- The Province will prioritize projects based on the following objectives:
 - Meets community and user needs
 - Promotes good asset management
 - Represents good value for money
 - Improves accessibility



Ontario Community Infrastructure Fund

- Launched in 2014, OCIF provides funding to more than 420 small, rural, and northern communities to help develop and renew core infrastructure and support asset management planning.
- In March 2019, MOI confirmed formula-based allocations totalling about \$200 million for the 2019 calendar year, and informed municipalities that due to provincial fiscal constraints, no applicationbased funding is being provided for 2018 or 2019.
- The Ministry also advised municipalities of plans to redesign the program. In light of program redesign, 2020 formula allocations are subject to review.
- The province heard from municipalities at the AMO conference that communities need stable, reliable infrastructure funding. The government is committed to working with municipalities on the redesign of the program.



Legislative Changes

Changes to the Development Charges Act

Upon proclamation, **Schedule 3** of the More Homes, More Choice Act, 2019 (Bill 108) would make changes to the Development Charges Act that are intended to:

- Support a range and mix of housing options by expanding the ability of municipalities to recover costs for waste diversion and ambulance services
- Increase certainty of costs by deferring development charge payments for certain types of developments
- Increase the certainty and predictability of development charges by freezing rates earlier in the development process
- Support a range and mix of housing options by exempting second residential units in newly built homes, second residential units in ancillary structures to all homes and conversions of communal facilities in existing rental buildings to residential units from development
 charges (subject to regulation)

 Ontario

Changes to the Planning Act

Proclaimed September 3rd 2019, **Schedule 12** of the More Homes, More Choice Act, 2019 (Bill 108) made changes to the Planning Act to:

- Make municipal charges for community benefits infrastructure, like libraries and daycare facilities, more predictable
- Make it easier to create additional residential units, such as above garages and in basements
- Facilitate faster decisions by reducing planning decision timelines
- Increase the certainty and predictability of the planning system and help build housing, including affordable housing, near transit
- Allow the Local Planning Appeal Tribunal to make decisions based on the best planning outcome



Community Benefits Charges - Overview

- The new charge will enable municipalities to fund a range of capital infrastructure for community benefit services needed for new development
- Community Benefits Charges (CBCs) would apply to new developments or redevelopments only
- CBCs payable would not be able to exceed the amount determined by a formula
- The formula would involve applying a specific percentage of the value of land for a proposed development
- The percentages will be prescribed in regulation



Community Benefits Charges - Consultation Process

The Ministry of Municipal Affairs and Housing will be consulting on developing a proposed formula associated with CBCs with the municipal sector over the coming months.

Municipalities will be consulted on CBCs through the following avenues:

- Environmental Registry of Ontario (ERO) seeking feedback on the methodological approach for development of a proposed formula were sought (mid-June 2019)
- Technical Working Group to advise on the methodological approach for development of a proposed formula (summer 2019)
- Second ERO posting seeking feedback on a proposed formula developed by a consultant and with municipal input through the first ERO posting and technical working group (fall 2019)



Next Steps

- Notices were posted on the Environmental Registry of Ontario for a number of these proposed changes in June-August time frame
- The Ministry of Municipal Affairs and Housing sought input from the municipal and development sector on the proposed regulatory approach to establish implementation details related to the new community benefits charge authority including, consultations on the development of an approach to a methodology for establishing a community benefits charge formula
- The Ministry will consult again on the proposed formula associated with community benefits charges this fall with the goal of maintaining municipal revenues in establishing the new community benefits tool



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Hicks Morley

Toxicity in the Workplace October 16, 2019

Margaret Szilassy

AMCTO

Basic Principles

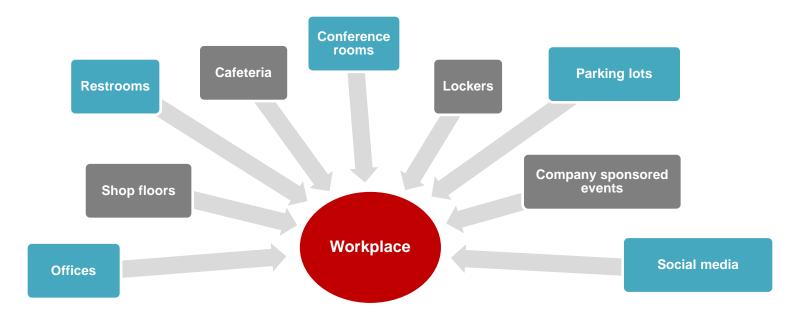


All employees have a right to a workplace that is safe and free from harassment, discrimination and violence



Employers are responsible for the prevention of workplace violence and harassment and must ensure a mechanism is in place to deal with complaints of workplace harassment and violence.

What is the Workplace?





What Is The Governing Legislation?



Occupational Health and Safety Act

Workplace Safety and Insurance Act

The Common Law

Tort of
Intentional
Infliction of
Mental Suffering

No Tort of Harassment in Ontario

Consequences

Discrimination Harassment, And Violence Are <u>Against</u> The Law



- Unhealthy Work Environment
- Financial Penalties
- Reputational Harm



Human Rights Code

Human Rights Code

- Provides protection based on enumerated grounds of persons in employment, services or accommodation to eliminate discrimination and harassment
- Provisions of human rights legislation prevail over other Acts, as well as conflicting policies

Discrimination vs. Harassment

Discrimination

 Unequal treatment based on a legislated protected grounds, whether imposing extra burdens or denying benefits

Harassment

 "Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome" based on a legislated protected ground

Protected Grounds in Employment under Ontario Human Rights Code

Ethnic Place of Citizenship Race **Ancestry** Creed Origin Origin Sexual Gender Gender Sex Colour Age **Expression** Orientation **Identity** Record of **Marital Family Disability Status** Offences **Status**





Occupational Health and Safety Act

Employer Obligations under Health and Safety Legislation

Employers have specific obligations under the OHSA:

- take every precaution reasonable in the circumstances for the protection of a worker
- must have <u>policies</u> for workplace violence and harassment
- conduct a workplace violence <u>assessment</u>
- must have <u>programs</u> for workplace violence and harassment
- conduct training for management and employees

Workplace Harassment under OHSA

Harassment

- "workplace harassment" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome
- While more than one incident generally is required to constitute harassment, a single serious incident of inappropriate behaviour may constitute harassment.

Occupational Health and Safety Act:

Workplace Sexual Harassment

s. 7(2) – "Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee."

Occupational Health and Safety Act:

Workplace Sexual Harassment

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Joe Singer Shoes Limited v A.B. 2019 ONSC 5628

Facts:

- Ms. B. worked in shoe store and lived in apartment above store.
- Ms. B. was sexually harassed and sexually assaulted Mr. Singer.
- HRTO found individual and corporate respondent both jointly and severally liable.
- Awarded Ms. B \$200.000 for injury to dignity, feelings and self respect.
- Award upheld on judicial review

Workplace Harassment under OHSA

Harassment = repeated conduct (words and/or actions) that are:



Components of Workplace Harassment

- Generally repetitive
- Hostile, abusive or inappropriate
- Affects the person's dignity or psychological integrity
- May escalate to level that it results in a poisoned work environment

Examples of Conduct that Constitute Harassment

Jokes or Innuendo Singling Out or Isolating

Rumours and Gossip

Verbal Abuse

Pranks, Vandalism, Hazing

Inappropriate Online Conduct

Humiliating Before Others

Withholding

Veiled Threats

Unwelcome **Invitations**

Comments About Appearance or Attire

Setting **Impossible Expectations**

Constant **Negativity** Acting in an **Arbitrary** Manner

"Shop Talk"

Workplace Harassment is NOT:

Evaluating and monitoring performance	Setting performance standards	Corrective/ disciplinary action	Conducting Investigations
Constructive criticism	Performance appraisals	Work-related stress	Organizational change for business reasons

Workplace Violence under OHSA

Workplace Violence:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker;
- A statement of behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a workplace that could cause physical injury to the worker.

Scope of Workplace Violence Provisions

- Accidental physical contact <u>not</u> intended to be included:
- Intent to physically harm is <u>not</u> required
- Threats are treated as violence

The Brockville Mental Health Centre v. The Ontario Ministry of Labour, 2019 ONSC 3805 (CanLII)

Facts:

- The Hospital was charged with multiple offences related to workplace violence following a series of assaults and attempted assaults on workers at the Hospital by same patient
- Convicted of count of "failing, as an employer, to reassess the risks of workplace violence and ensure the related policy and programs continued to protect workers from workplace violence"
- Trial judge imposed sentence of \$75,000 plus victim surcharge of 20%
- Trial judge found that fines imposed for convictions under the OHSA should not differ between public not-for-profit companies and private companies
- The Hospital appealed this finding

The Brockville Mental Health Centre v. The Ontario Ministry of Labour, 2019 ONSC 3805 (CanLII)

Issue:

• Is the non-for-profit status of an organization relevant in determining the appropriate fine for a failure to provide a safe workplace?

Decision:

- Court: noted that in determining penalty the expectation is the court "find an amount that 'without being harsh [is] substantial enough to warn others that the offence will not be tolerated. It must not appear to be a mere licence fee for illegal activity"
- Legislation does not distinguish between not-for-profit institutions and private companies
- Trial judge concluded that fact that hospital publicly-funded institution was neutral factor
- Court: "Absent any legislative pronouncement or binding case law on this issue, I find that it was not an error in principle for the trial judge to decide the hospital's status was a neutral factor".

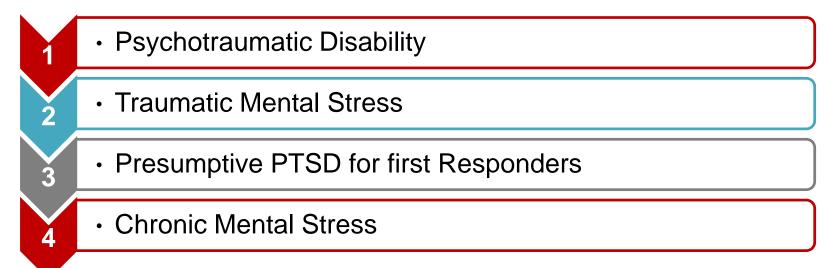


Workplace Safety and Insurance Act



Workers' Compensation

Areas of entitlement for Mental Disorder:



WSIB Chronic Mental Stress

Substantial work-related stressor(s)

BUT not interpersonal conflicts or employer decisions/action

Appropriately diagnosed mental illness injury

Work-related stressor(s) is/are the predominant cause of the illness

Substantial Workplace Stressor?

- Events occurred to others not personal to worker
- Normal pressures
- Routine unpleasantness vs egregious or abusive
- Assault / Verbal Abuse

What is Part of Normal Employment Functions?

Normal Employment Function

 So long as not egregious or abusive

Workers' Compensation Board and CMS



OPSEU v. The Crown in Right of Ontario (Ministry of Community Safety and Correctional Services), 2019 ONSC 2952

Facts:

- Union filed a grievance alleging that the employer had violated the grievor's rights pursuant to a collective agreement that guaranteed a "harassment free work environment"
- Arbitrator agreed with union but found that he could not award the grievor damages for mental stress suffered
- Arbitrator: "the 'medical condition' of the grievor was such as to be properly considered an insured condition/injury pursuant to the Workers Safety and Insurance Act of Ontario"
- The Union brought an application for judicial review on the basis that the arbitrator had unreasonably applied the WSIA's "employment function" mental stress exclusion

OPSEU v. The Crown in Right of Ontario (Ministry of Community Safety and Correctional Services), 2019 ONSC 2952

Issue:

 Was the arbitrator's application of the WSIA "employment function" mental stress exclusion reasonable?

Decision:

- Divisional Court: remedy claimed by the union flowed from employer's "decisions or actions related to the worker's employment".
- Arbitrator found remedy claimed by grievor flowed from conduct that fell within employment function mental stress exclusion but at the same time determined that the WSIA was the appropriate form
- Divisional Court: decision was unreasonable and internally inconsistent
- Allowed application for judicial review and remitted matter back to Arbitrator

OPSEU v The Crown in Right of Ontario, 2019 ONSC 1077 (CanLII) (February 21, 2019, Ont. Div. Ct.)

Facts:

- Grievances alleged bullying and harassment, violation of duty to maintain safe work environment
- GSB had no jurisdiction because alleged injury for mental stress was work-related and would be or would have been compensable under WSIA
- Divisional Court upheld the decision

Questions & Answers





Hicks Morley

Toxicity in the Workplace October 16, 2019

Margaret Szilassy

AMCTO

A Primer on Closed Meetings

AMCTO Zone 1 Fall Meeting

Rebecca Hines

October 16, 2019

AIRD BERLIS

Meetings

Open Meeting Rule

municipal councils and local boards (and committees)
 must conduct their meetings in an open public forum

239 (1) Except as provided in this section, <u>all</u> meetings *shall* be open to the public.

 the open meeting rule is a requirement for all meetings of council and local boards (including committees)

What is a Meeting?

"Meeting"

238 (1) In this section and in sections 239 to 239.2,

"meeting" means <u>any regular, special or other meeting of a council, of a local board or of a committee</u> of either of them where:

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that *materially advances* the business or decision-making of the council, local board or committee.
- former Ontario Ombudsman had used own "working definition" of meeting which provided that any gathering of members that laid the groundwork for council business constituted a "meeting"



What is a Meeting?

Established Jurisprudence

Southam Inc. v. Ottawa (City) (1991), 10 M.P.L.R. (2d) 76 (Div. Ct.):

- tripartite test:
 - whether council members (or a majority of them) are invited to attend;
 - whether the matters discussed would ordinarily form the basis of council's business; and
 - whether those matters are dealt with in such a way as to move them materially along the way in the overall spectrum of an ultimate decision



Exceptions -s. 239(2)

- a meeting can be closed to the public if an exception to the open meeting rule applies
- limited exceptions to the open meeting rule depending upon subject matter are set out in ss. 239(2), (3) and (3.1):
 - security of the property of the municipality
 - personal matters about an identifiable individual
 - proposed or pending sale or acquisition of land
 - labour relations and employment negotiations
 - litigation or potential litigation matters
 - advice subject to solicitor-client privilege
 - a matter that may be considered in camera in other statute



New Exceptions

- new closed meetings exceptions in s. 239(2) all relating to exemptions under the Municipal Freedom of Information and Protection of Privacy Act.
 - (h) information explicitly supplied in confidence to the municipality... by Canada, a province or territory or a Crown agency [s. 9 of MFIPPA]
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality..., 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 [s. 10 of MFIPPA]

New Exceptions

- additional exceptions in s. 239(2) (cont.):
 - (j) 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 [s. 11(a) of MFIPPA]
 - (k) 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 [s. 11(e) of MFIPPA]
- <u>all</u> exceptions in s. 239(2) are *discretionary*



Additional Exceptions

- further <u>mandatory</u> exceptions to the rule under s. 239(3)
 - MFIPPA request where council is the head
 - ongoing investigation by municipal or Ontario
 Ombudsman or closed meeting investigator
- additional <u>permissive</u> exception under s. 239(3.1)
 - training and education purposes where no matter is dealt with in a way that materially advances the business or decision-making of the council, local board or committee



Procedural Requirements

- before going into closed session, s. 239(4) makes it <u>mandatory</u> for the council, local board or committee to state by **resolution**:
 - the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, or
 - in the case of a meeting for education and training purposes, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under subsection 239(3.1)
- Compliance with procedural by-law



Record Keeping

- all resolutions, decisions and other proceedings at a closed meeting shall be recorded "without note or comment" - s. 239(7)
- the records required by s. 239(7) shall be made by:
 - the clerk, in the case of a meeting of council, or
 - the appropriate officer, in the case of a meeting of a local board of committee

Voting

- a meeting shall not be closed during the taking of a vote, unless an exception under s. 239(6) applies - s. 239(5)
- a meeting may be closed during the taking of a vote if both of the following apply - s. 239(6):
 - the meeting is permitted or required to be closed by s. 239(2) or (3); and
 - the vote is for a <u>procedural matter</u> or for <u>giving</u> <u>directions or instructions</u> to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board

Investigations - Investigator

239.1(1) A person may request that an investigation of whether a municipality or local board has complied with s. 239 or a procedure by-law under s. 238(2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in s. 239.2(1); or
- (b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in s. 239.2(1).

Investigations

239.2 (11) The municipality or local board <u>shall</u> ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are <u>made available to the public</u>.

239.2 (12) If a municipality or a local board receives a report from a closed meeting investigator stating that a closed meeting was held contrary to s. 239, the municipality <u>shall</u> pass a resolution stating <u>how it intends to address the report</u>.



Common Pitfalls

- subject matter (meeting closed for an improper purpose)
- failure to comply with procedural requirements, including the applicable procedure by-law
- improper voting
- improper or insufficient record keeping
- failure to "report out" in open session

What about Emails?

Ontario Ombudsman's City of Hamilton Report

- Email exchange among members of council about vacancy
- Ombudsman found exchange was not a "meeting"
- 238 (1): "...a quorum of members is <u>present</u>"
- Ombudsman's interpretation: "present" = physically present
- Are email exchanges now exempt from classification as a "meeting"?



Presented by:



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MRP Overview

EVELINA SKALSKI | MASTERS OF PUBLIC ADMINISTRATION | 2019

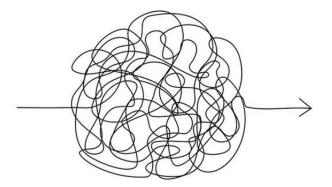
COUNCILLORS' RECORDS AND MFIPPA

FREEDOM OF INFORMATION



Custody and Control

It's complicated.



An Exploration of the Relationship between the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, and the Records Created and Held by Municipal Councillors in Ontario.

Subject keywords: MFIPPA, FOI, Council, Councillors, Freedom on Information, Records Geographical keywords: Ontario

MPA Research Report

What constitutes Custody and Control?



https://southtexasmed.com/wp-content/uploads/2018/05/medical-records-featured-web.jpg

How does the IPC treat Councillors' Records?

1. Do the contents of the record relate to the institution's business?

2. Could the institution reasonably expect to obtain a copy of the record upon request?

Canada (Information Commissioner) v. Canada (Minister of National Defense), [2011] 2 SCR 306.

"the policy rationale for excluding the Minister's office altogether from the definition of "government institution" can be found in the need for a private space to allow for the full and frank discussion of issues."

Canada (Information Commissioner) v. Canada (Minister of National Defense), [2011] 2 SCR 306 at para. 41.

Data Analysis



IPC Response

(3.1) A record in the custody or under the control of a member of the council of a municipality is deemed to be in the control of a municipality for the purposes of this Act, **if it was created in the course of the member acting in relation to the civil or municipal affairs of a municipality** as set out in the Municipal Act, 2001, or the City of Toronto Act, 2006 in relation to a member of Toronto City Council.

(3.2) Subsection (3.1) does not apply to a personal record of a member or a record associated primarily with the member's interest as a politician and not the interest of the municipality.

What about other Provinces?







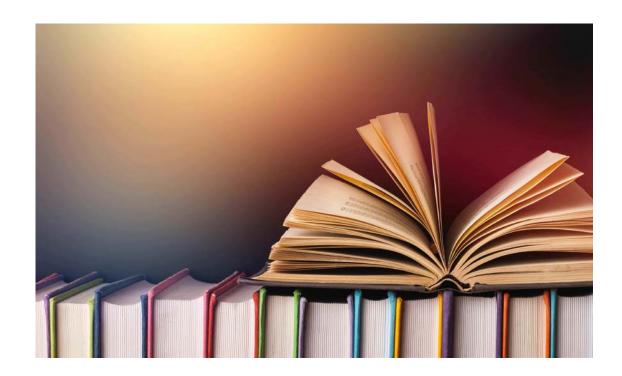


Research Limitations



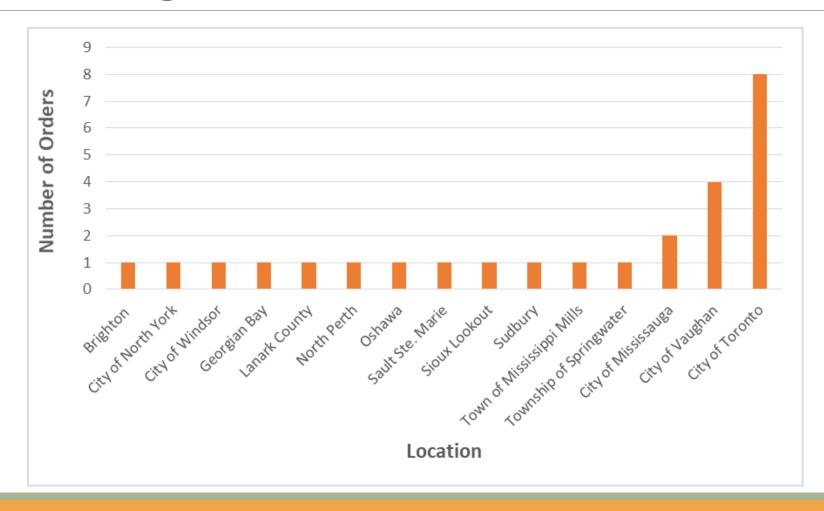
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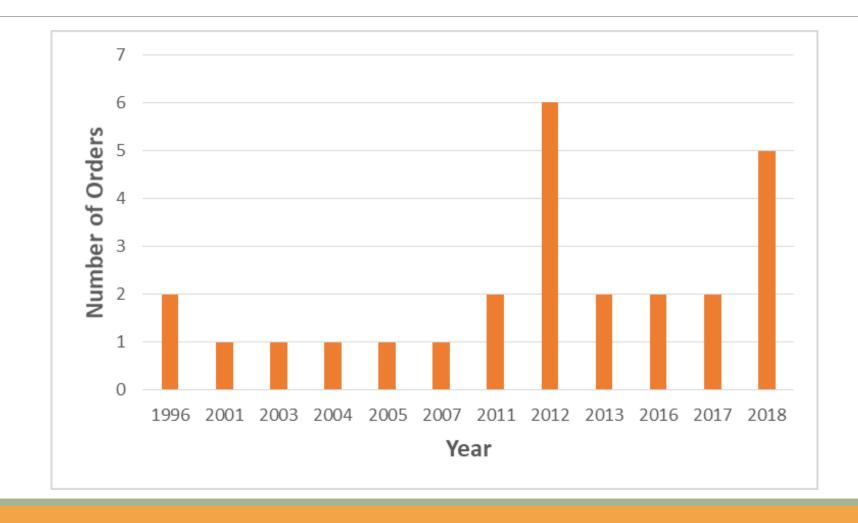
Insights from Academia



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Key Findings from Research





Key Trends



https://legalwatercoolerblog.lexblogplatform.com/wp-content/uploads/sites/27/2018/05/1-2-3.png

Few Significant Orders M-813; MO-2821; MO-3281



"Records held by councillors may well include 'constituency records' in the sense of having to do with an issue relating to a constituent...The councillors have described such records as 'personal' records but it may also be appropriate to call them "political" records. In any event, it is consistent with the scheme and purposes of the Act, and its provincial equivalent, that such records are not generally subject to access requests."

Conclusions





ABRIDGED VERSION Third Party Copyright

Thriving in the Face of Toxic Communities

THE GREAT SOUTHWEST – ZONE 1
PARK AVE BUSINESS CENTRE
OCTOBER 16, 2019

DIANE KALEN-SUKRA, MA, CMC





SUSTAINABLE EVERYTHING











BramptonGuardian.com

Brampton Transit installing bus driver safety shields across fleet after big spike in assaults

Report shows crimes on the city's bus operators have more than doubled since 2016





Nenshi says political

Hate crimes in Canada surge 47%, fueled by attacks on Jewish, Muslim and black populations

'pick a side' in fight against racism, Kitchener to assess city facilities amid 'increase

security risks' RYAN RUMBOLT Updated: March 25, 2019

Third-party review to be kept confidential with incidents on the incline

Mar 05, 2019 by Bill Jackson

Kitchener Post

TORONTO STAR

Mental health in our cities is a crisis By JOHN TORY OPINION

Nenshi pitches \$25M fu to combat mental health iss addiction and crime

MEGHAN POTKINS, CALGARY HERALI ington Post

Mayor Naheed Nenshi is ho hring councillors on side w







mental health and addiction issues By DAVID RIDERCity Hall Bureau Chief

> The hidden epidemic of loneliness in Canada



Canadian research finds steep increase in suicide attempts by children



CALGARY

intolerance



1 1 SUSTAINABLE CITIES AND COMMUNITIES

Make cities inclusive, safe, resilient, and sustainable

Is Sustainaville Democratic?







"Tyranny of the majority" destroys democracy.

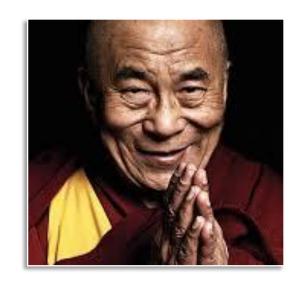






GLOBAL CALL FOR VALUES EDUCATION

Building Sustainable Institutions & Community Culture









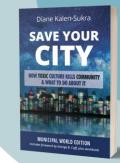














Be intentional about culture. Know & live your values. Champion compassion, justice & courage. Transformational leadership.



Declaration of Principles and Values



ASSESS CULTURE RISK. MEASURE WELL-BEING.

We measure what we treasure. Human flourishing. Plan accordingly Culture audits. Culture change management plans.











FORM CIVILITY CIRCLES.

Safe spaces, sanctuary. Cherish others. Practice diversity, equity & inclusion. Build trust, connection & belonging.















PRIORITIZE CIVIC EDUCATION & TRAINING.

Ongoing, values-based, purpose-driven, servant leadership. Partner with schools. Lobby for greater civic education. Advocate for independent media. City Hall as civic academy. **Democracy Champions.**





















LOVE YOUR NEIGBOUR.

Golden rule reflected in person, policy & action. Ethics in human relations. Compassionate community. Civic engagement. Volunteerism.













COMPASSION









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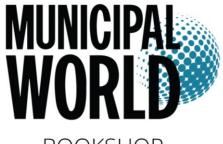




Save Your City is an absolute must-read for everyone involved in local government and engaged citizens. It combines the philosophy of Ancient Greece and Rome with the challenges of modern governance in an increasingly uncivil society where the notion of "love thy neighbour," once anchored in biblical and secular culture, has been replaced in many boardrooms by a spirit of "what's in it for me?" I commend it to you.

GEORGE B. CUFF, FCMC

Order online now at books.municipalworld.com



BOOKSHOP

www.SaveYourCity.ca

