

August 13, 2025

Standing Committee on Heritage, Infrastructure and Cultural Policy
Whitney Block, Room 1405
99 Wellesley Street W
Toronto, ON
M7A 1A2

Dear Chair Laurie Scott:

The [Association of Municipal Managers, Clerks and Treasurers of Ontario \(AMCTO\)](#) thanks the Standing Committee on Heritage, Infrastructure and Cultural Policy for the opportunity to provide feedback on *Bill 9, Municipal Accountability Act* through our presentation in London on July 3rd and through this written submission.

AMCTO represents excellence in local government, management and leadership. Since 1939, we have provided advocacy, education, accreditation, leadership and management expertise for Ontario's municipal professionals. With over 2,200 members working in municipalities across the province, we are Ontario's largest association of local government professionals.

AMCTO has long called for changes to the code of conduct framework, including through providing a presentation to government and written submission to the 2021 provincial consultation on strengthening codes of conduct and the 2025 regulatory registry posting. We believe in a first principle of protecting the health, safety and well-being of municipal staff, elected officials and the public.

While we welcome the initiative the government has shown by introducing this bill and appreciate that some of our previously raised concerns have been addressed, we believe that improvements can continue to be made especially when it comes to protections for staff.

Our attached submission represents concrete solutions that we believe could improve the accountability and transparency framework in Ontario. As the people who must implement and deploy the accountability frameworks for council governance, AMCTO members can provide advice and input.

We look forward to continued engagement on this important topic.

Sincerely,

[Originally Signed By]

Danielle Manton, AOMC
President, AMCTO

AMCTO Written Submission to Standing Committee: Bill 9: Municipal Accountability Act, 2025

Submitted August 13, 2025

Executive Summary

The *Municipal Accountability Act* is a step in the right direction but needs enhancements to protect the safety and well-being of municipal staff. As an Association, we believe that the municipal accountability and transparency framework would be improved if consideration was given to the protection of staff. A new framework is required that includes an independent mechanism to conduct investigations and apply sanctions. Our recommendations are:

- 1. Create an independent mechanism to investigate instances of harassment and incivility, and apply sanctions as appropriate.**
- 2. Ensure proper safeguards are in place to protect municipal staff, including whistle-blower protection.**
- 3. Remove all employment matters from strong mayor powers, such as the ability to hire and dismiss municipal CAOs and division heads and the ability to reorganize municipal structures.**

Recommendations to improve the framework put forward in the *Municipal Accountability Act* are:

- 4. Work in collaboration with the municipal sector, including municipal staff associations like AMCTO, and local integrity commissioners to develop a code of conduct with additional minimum standards.**
- 5. Ensure that municipal codes of conduct work with existing legislative employment standards and other inter-related policies.**
- 6. Work with the municipal sector to ensure that mandatory education and training meets the needs of local communities.**
- 7. Require members of council to confirm their commitment to their code of conduct on an annual basis and mandate penalties if a member does not participate in education/training and/or confirm their commitment to their code.**
- 8. Develop and deliver training for local integrity commissioners in collaboration with experts in the municipal accountability and transparency framework.**
- 9. Create a roster of qualified integrity commissioners and consider other options for preserving the independence of the role.**
- 10. Further clarify the complaints process including the ability of local integrity commissioners to dismiss frivolous requests.**
- 11. Provide a wider range of remedial penalties to discourage misconduct that may not meet the threshold for removal.**
- 12. Develop a standard operating procedure for inquiries conducted by the Integrity Commissioner of Ontario.**
- 13. Remove the threshold for unanimous council support for removing a member of council. Consider a 2/3 majority.**

Introduction

Enhancing Ontario's accountability and transparency framework is essential to safeguard the public, municipal staff, and members of council from misconduct by elected officials.

While most councillor-staff relationships and interactions are positive, respectful and focused on collaboration to achieve community goals, we know from our members that the overall relationship between elected officials and professional municipal staff is increasingly more confrontational inside and outside of formal council meetings.

Two things occur when abusive or threatening behavior from a council member or members is permitted to persist:

- It creates an unsafe workplace for municipal staff, where there is little opportunity for that staff to effectively address council's behavior.
- It also creates, or at very least contributes to, a negative organizational culture, which eventually impacts a municipality's ability to attract and retain staff to deliver services to the public.

In the current system, municipal staff, particularly senior municipal leaders, have nowhere to turn except council, who they are accountable to and may be unable to seek the remedy required in these situations.

While some may formally submit a complaint to their local integrity commissioner, others may never do so for fear of reprisal, or because in its current form, the process contains no guarantee of effective remedies. Municipal staff need a place to turn for advice and support when it comes to problematic or troublesome interactions with members of council. This has been exacerbated by the strong-mayor system which puts CAOs and senior leaders in tenuous positions.

While AMCTO welcomes the *Municipal Accountability Act* and appreciates the Government's initiative on this important issue, we continue to call for improvements to protect against egregious behaviour from elected officials.

We also raise several considerations for implementation as our members are the ones responsible for this. We strongly urge the government to think through all operational impacts of all legislative changes.

Protecting Municipal Staff

Recommendation 1: Create an independent mechanism to investigate instances of harassment and incivility, and apply sanctions as appropriate.

As an Association representing over 2,200 members who are municipal leaders and professionals across Ontario, we remain concerned that the *Municipal Accountability Act* does not adequately address the important issue of increasing protections for municipal staff.

There is an inherent conflict with having local integrity commissioners accountable to the same municipal councils as municipal staff who may be experiencing harassment, violence or other inappropriate behaviours. This is further exacerbated by having municipal councils responsible for determining if the report and recommendations of accountability officers should be accepted and implemented by council.

We believe that for this framework to be successful and set apart from the existing processes that are problematic, enforcement of an accountability framework cannot be left with council. As we heard from other deputations to the Standing Committee, we know that current processes can be weaponized and used as a tool for advancing political agendas. We strongly urge the ministry to consider the importance of preserving the integrity of this important ethical process by removing the politics from it.

We believe that there are several models the government could consider in ensuring independence of this function. AMCTO has previously supported the creation of a specific provincial tribunal to handle local government issues. We have also supported the notion that a judge could be the final decider, as is the case in the process defined in the *Municipal Conflict of Interest Act*.

Recommendation 2: Ensure proper safeguards are in place to protect municipal staff, including whistle-blower protection.

Council, as the board of the municipal corporation, has a duty of care for the welfare and well-being of employees of the municipality, including fostering a welcoming, supportive and civil culture. The increasing incivility, harassment and political interference in the duties and responsibilities of municipal administrators is problematic from a physical, mental and emotional well-being perspective.

Toxic municipal environments fueled by unchecked incivility can significantly affect recruitment and retention. These conditions may lead to financial and administrative burdens, from escalating contractual commitments to challenges in attracting qualified, non-partisan professionals with integrity, particularly when a municipality's reputation is compromised.

There must be adequate safeguards in place to ensure that workplaces are welcoming, supportive and safe, and when they are not, a better framework for ensuring that administrative leaders and staff have a place to turn for remedy when dealing with problematic members of council or local boards.

Individuals must be empowered to speak up against wrongdoing without threat to their personal safety and well-being. For this reason, AMCTO believes that the legislation should consider whistle-blower protection that ensures confidentiality and protection from reprisal. This may only be possible with an independent, and impartial mechanism outlined in Recommendation 1.

Recommendation 3: Remove all employment matters from strong mayor powers, such as the ability to hire and dismiss municipal CAOs and division heads and the ability to reorganize municipal structures.

AMCTO has long called for clarifying the roles and responsibilities of council and staff in the *Municipal Act*, including enhancing the distinction between the Head of Council as CEO and the CAO. In their current form, the definitions and descriptions of ‘council’ and ‘administration’ and description of the Head of Council as CEO in the *Municipal Act* create confusion and misrepresent the role of both council and its head. To help ensure distinction between the administrative and political functions of a municipality, AMCTO believes the CAO should be a mandatory statutory position.

This is further exacerbated by the strong-mayor system, which puts CAOs and senior leaders in tenuous positions with limited employment protections, and limits possible recourses to remedy harassment or other misconduct they may face. To foster a culture of accountability and transparency, AMCTO continues to call for the removal of strong power powers related to employment matters.

Response to *Municipal Accountability Act*

Recommendations in this section are organized based on the relevant section of the *Municipal Act, 2001*. We note that the same comments apply to the relevant sections of the *City of Toronto Act, 2006*.

Section 223.2

Code of conduct

Recommendation 4: Work in collaboration with the municipal sector, including municipal staff, municipal associations like AMCTO, and local integrity commissioners to develop a code of conduct with minimum standards.

As the government considers what a model code could look like, we point to our previous recommendations that there should be more standards for what is included. While the *Municipal Act* and *City of Toronto Act* regulations include some basic common elements, it would be beneficial for more criteria and standards to be included in the foundational elements of codes to ensure a more common framework while allowing some flexibility for local cultures.

The model should be developed in cooperation with the municipal sector and with qualified integrity commissioners who understand the nuances of municipal government. This could include respecting the decision-making process, adherence to policies, procedures and bylaws and improper use of influence among others.

An intimate understanding of how municipalities, their municipal councils and local boards operate and how municipal staff interact within these structures is vital to ensure that the new framework is credible, accountable and reflects the realities on the ground.

Recommendation 5: Ensure that municipal codes of conduct work with existing legislative employment standards and other inter-related policies.

It would also be beneficial to ensure that the developers of the model code are familiar with the employment standards requirements in Ontario. Stronger ties between the municipal code of conduct and existing legislative employment standards and related policies could help strengthen the municipal accountability and transparency framework and provide additional protections for staff.

For example, consideration could be given towards alignment with council-staff relation policies (*Municipal Act*, Section 270 and *City of Toronto Act*, Section 212), with the *Occupational Health and Safety Act* policies regarding workplace harassment and violence, and with the *Municipal Elections Act* requirement to establish rules and procedures with respect to the use of municipal resources during an election period (Section 88.18).

Where existing legislation protecting the right to a safe workplace may not explicitly include elected officials, consequential amendments should be made to ensure they are covered. The incorporation of these legislative requirements could allow for more avenues for staff protection. We reiterate that adequate enforcement mechanisms are needed to ensure that violation of related policies, procedures and bylaws are met with real consequences.

Considerations for Education or Training for Members of Council

Recommendation 6: Work with the municipal sector to ensure that mandatory education and training meets the needs of local communities.

We appreciate that the bill includes AMCTO's prior recommendation to make education and training for members of council mandatory. Enhanced content in training would assist elected officials in understanding their responsibility to ensure a respectful workplace.

Consideration can also be given to creating training for candidates during the campaign period so that potential members of council understand their obligations and commitments to their local code prior to taking office.

Recommendation 7: Require members of council to confirm their commitment to their code of conduct on an annual basis and mandate penalties if a member does not participate in education/training and/or confirm their commitment to their code.

We note that the bill did not specify a penalty if a member does not attend the training and whether this would be a violation of a municipality's code of conduct. To assist with enforcement of mandatory training, AMCTO continues to recommend that members of council should be required to confirm, on an annual basis, their commitment to their code of conduct.

Section 223.3.1

Considerations for Education or Training for Municipal Integrity Commissioners

Recommendation 8: Develop and deliver training for local integrity commissioners in collaboration with experts in the municipal accountability and transparency framework.

While AMCTO is supportive of education and training for integrity commissioners, it should be noted that while the Integrity Commissioner of Ontario has extensive experience related to provincial matters of accountability and transparency, at this time the office does not have experience with the municipal accountability and transparency frameworks. AMCTO is aware of offers from the sector to assist with the development of training. We echo these calls and would be happy to collaborate with the Integrity Commissioner of Ontario and others towards the development of training.

Furthermore, additional clarity is needed with regards to whether:

- current integrity commissioners with contracts would continue should the changes brought by a bill be in place by Fall 2026 or whether they would need to be re-appointed.

- the integrity commissioners would be required to take training before being appointed by a municipality and whether training would be ongoing.

Considerations Regarding the Appointment of Municipal Integrity Commissioners

Recommendation 9: Create a roster of qualified integrity commissioners and consider other options for preserving the independence of the role.

AMCTO has previously recommended that the recruitment and retention of local integrity commissioners should not be the responsibility of municipal councils. We believe that the current framework represents an inherent conflict. There must be some assurances of accountability and transparency in the integrity commissioner's independence. This is especially important to consider for municipalities with strong mayors. Some municipal councils have delegated authority for the appointment of the integrity commissioner, but this is not a common practice.

If the government intends to keep the appointment of municipal integrity commissioners with council as it proposed in this legislation, AMCTO suggests establishing a roster of qualified integrity commissioners from which council selects a local integrity commissioner. The roster could be kept by the Integrity Commissioner of Ontario based on established criteria for qualification. To further preserve the independence of this role, the government could consider:

- fixed terms for integrity commissioner appointments;
- stipulating a 2/3 majority vote threshold to remove the appointment of the municipal integrity commissioner; and
- amending legislation to make it clear that integrity commissioners report to council.

Section 223.4

Considerations for complaints process

Recommendation 10: Further clarify the complaints process including the ability of local integrity commissioners to dismiss frivolous requests.

With respect to the new regulations in proposed amendments to section 223.4 regarding requirements, standards and processes, AMCTO appreciates the ministry responding to our request for standardization of inquiries particularly as a potential solution to manage costs. We remain interested in understanding how complaints will be submitted, and which complaints can be refused.

AMCTO called for clarifying the ability of the local integrity commissioners to dismiss frivolous requests and find informal mechanisms for resolution and the proposed subparagraph b of this section for regulations prescribing the types of complaint which may be refused may respond to our recommendation.

Considerations for recommending sanctions and removal provisions

Recommendation 11: Provide a wider range of remedial penalties to discourage poor or bad behaviour that may not meet the threshold for removal.

AMCTO agrees that there needs to be a high bar for the removal of a member of council. However, there are concerns that the criteria for evaluating whether a seat should be declared vacant are subjective. For instance, with respect to subparagraph 4, it is unclear what a “serious nature” constitutes and what information the local integrity commissioner is expected/required to submit to prove this point.

Given this, local integrity commissioners may be apprehensive about invoking this measure. Without also providing additional penalties and remedies as AMCTO and others recommended, there is a perception that other egregious behaviours such as acting unethically or fraudulently, matters of incivility and interference with professional duties do not warrant stronger remedy. We raise these issues as they may have implications for whether these provisions will work as intended in practice. Providing additional progressive hierarchy of penalties would also ensure more consistent usage across the province.

It should be noted that the intention of progressive penalties should be remedial, to discourage misconduct rather than simply as a punishment. When sanctions such as suspension from attending council meetings are applied it can be the electors who suffer from lack of representation.

Other jurisdictions have sanctions frameworks which include criteria for consideration in assessing the breach and a progressive list of prescribed sanctions including:

- Limiting the council member’s access to certain local government facilities, equipment, or property;
- Limiting the council member’s participation on behalf of a municipality;
- Payment of a fine; and
- Suspension or removal of the council member from council committees and bodies

It should also be noted that penalties may have different and at times uneven consequences. For example, suspension of pay impacts part-time and full-time elected officials differently. A 30-day suspension would affect a member whose council meets bi-weekly differently than one whose council meets bi-monthly. For this reason, a range of penalties is required with flexibility to meet local circumstances.

Recommendation 12: Develop a standard operating procedure for inquiries conducted by the Integrity Commissioner of Ontario.

Proposed subsection 223.4.0.2 (1) authorizes the Integrity Commissioner of Ontario to conduct an inquiry to determine whether a member's conduct meets all the criteria for removal. For operational purposes, it would be helpful to understand what the service standards are for the length of the investigation and the report are back to council. There are some concerns about the length of this process given it creates the need for two inquiries.

It could be further lengthened if a member subject to the investigation were to request a judicial review which would lead to a third "inquiry". This lengthy process requires witnesses and the complainant to be interviewed multiple times. In cases of harassment, this could be very challenging and perhaps traumatic for complainants and witnesses.

Practically, AMCTO is also interested in understanding whether the costs of the Integrity Commissioner of Ontario investigating local matters will be covered by the existing or increased budget of the Office of the Integrity Commissioner or whether the municipality will be responsible for paying these associated costs.

There does not appear to be a provision that would require the local integrity commissioner, before seeking an investigation from the Integrity Commissioner of Ontario, to provide notice to council of their decision or requirement to publish reasons for utilizing the Commissioner, like the requirement when applying to a judge for a *Municipal Conflict of Interest Act* (MCIA) complaint.

Recommendation 13: Remove the threshold for unanimous council support for removing a member of council. Consider a 2/3 majority.

AMCTO supports a high threshold for removing a member of council. As mentioned in our first recommendation, we believe that an ideal solution would be the creation of a mechanism independent of council on sanctioning and removing a member. If the government continues with what is proposed in Bill 9 to have council be the final decision-maker in removing a member from office, the requirement for unanimous support from council must be removed.

At this stage, two accountability officers have determined that the matter is serious enough to warrant removal. Despite this, if one council colleague does not agree with removal for whatever reason, the member avoids penalty, and no other penalty can be imposed. This proposed process may limit the complainant's ability to seek an appropriate remedy. AMCTO is supportive of the calls from AMO and others in the municipal sector that a two thirds majority would be a more appropriate threshold.

We are also concerned that in this process, for the most egregious of cases, even where a council decides not to remove a member, no other penalties could be applied. This means that where two integrity commissioners have determined that removal is warranted, there are no other consequences for the actions taken. This provision must be revisited to ensure independent accountability, otherwise trust in this framework will be lost.

Considerations regarding the *Education Act* model

We are aware of the calls from other interested parties to model the municipal accountability framework after the model offered in the *Education Act*. While we believe that there are elements of the *Education Act* that could be incorporated into a municipal accountability framework, we note that there are differences in the roles and responsibilities of school board trustees and municipal councillors and for this reason, some further considerations are needed if modelling the municipal accountability framework on this model.

The *Education Act* does not account for removal from office. We believe that this is necessary in the municipal context.

Some elements of the accountability provisions in the *Education Act* that we think would be useful considerations in the municipal context include:

- A roster of integrity commissioners, appointed by a provincial body;
- Required qualifications of integrity commissioners;
- The ability and flexibility of the local integrity commissioner to apply sanctions that are reasonable and appropriate for the circumstances;
- A requirement for the local integrity commissioner to provide notice of their decision and rationale; and
- A clearly defined appeal process (this is not necessary under the current and proposed system in the *Municipal Act* where the local integrity commissioner recommends sanctions to council, but would be necessary if changes were made to have local integrity commissioners directly apply sanctions).

Conclusion

AMCTO appreciates the opportunity to provide feedback to inform this legislation. We continue to request that the Ministry of Municipal Affairs and Housing along with other Provincial stakeholders consider the feedback AMCTO has provided to bring additional improvements to this framework as there are several potential impacts, implications and unintended gaps that could come from implementing the bill as introduced. We continue to bring forward the expertise of our members and offer ongoing engagement as the government looks towards developing regulations, guidance and resources on this important topic.