

BACKGROUND

This table provides an overview of some new municipal responsibilities following the passage of Bill 68, the *Modernizing Ontario's Municipal Legislation Act* (MOMLA). Bill 68 introduced a series of reforms to the *Municipal Act*, *Municipal Conflict of Interest Act*, and *City of Toronto Act*. This table is not a complete or exhaustive list of the provisions of Bill 68 but meant to provide public servants and AMCTO members with an overview of some of the most important changes that will affect their municipalities, as well as the associated implementation dates.

Provision	Description of the Change	<i>Municipal Act</i> Reference	Effective Date
Changes to regional council composition	<p>Regional governments are required to review their council composition following every second municipal election (starting after the 2018 election).</p> <p>Regional municipalities will no longer be required to secure a ministerial regulation when changing the composition of council.</p> <p>In situations where a regional government is unable to reach consensus on its council composition, the Minister of Municipal Affairs will have the power to impose a solution.</p> <p>Lower tier councils are now able to temporarily appoint an alternate delegate to the upper tier, in situations where the permanent member cannot attend an upper-tier council meeting.</p>	<p>s.218 (2(a)),(6)-(11)</p> <p>s.219, s.221, s.268</p>	January 1, 2018

New definition of a meeting	Bill 68 created a new definition of a meeting, which states: “meeting” means any regular, special or other meeting of a council, of a local board or of a committee 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.	s.238(1)	January 1, 2018
New closed meeting exceptions	<p>Bill 68 added four new exemptions for situations where council can move into closed session. They are:</p> <p>(h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;</p> <p>i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;</p> <p>(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; or</p> <p>(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.</p>	s. 239(2)	January 1, 2018

Electronic participation in council meetings	<p>Bill 68 will allow councillors and members of local boards to participate in meetings electronically. While this option will be available to all municipalities it does come with caveats, including:</p> <ul style="list-style-type: none"> • Councillors who participate in a meeting electronically cannot be counted towards quorum. For a councillor to participate electronically, there must be an in-person quorum of councillors for the meeting to proceed. • Councillors or members of local boards are only permitted to participate electronically in meetings that are open to the public. Participating in closed session meetings will remain limited to those councillors or members of a local board who are participating in-person. 	s.238 (3.1) – (3.2)	January 1, 2018
Small business programs	Municipalities are required to meet prescribed conditions before establishing small business programs.	s.108 (2)	January 1, 2018
Codes of conduct	Codes of Conduct are mandatory for all municipalities.	s.223.2(1)	March 1, 2019
Integrity commissioner	All municipalities must provide their citizens access to an Integrity Commissioner (IC)— either by appointing their own, keeping one on retainer, or working with another municipality through a shared serviced arrangement.	s.223.3(1) (1.1)(1.2)	March 1, 2019
Staff-council relations	All municipalities are required to have a policy on the relationship between members of council and the officers and employees of the municipality.	s.270(1)(8)	March 1, 2019
Policy for pregnancy/ parental leave	All municipalities are required to have policies for pregnancy and parental leaves for council members.	s. 270	March 1, 2019
Policy for protection of the tree canopy	All municipalities are required to have policies indicating how they will protect the tree canopy in their municipality.	s.270	March 1, 2019

Property tax collection and administration	<p>Bill 68 introduced a number of amendments to property tax collection and administration, including:</p> <ul style="list-style-type: none"> • Where a municipal service is provided to a property, municipalities can now add unpaid fees to the tax roll. • Post Roll Amended Notices (PRANs) can now be added to assessment changes that currently trigger the recalculation of charitable rebates and other tax relief amounts. • Allow application to cancel, reduce or refund overcharges caused by a gross or manifest error in supplementary and omitted assessment information. 	s.357	May 30, 2017
Tax sales	<p>A number of changes were made to the tax sale process, including:</p> <ul style="list-style-type: none"> • Providing municipalities with the option to initiate an expedited tax sale process for properties that have vested in the Crown because of the dissolution of a corporation. 	s. 371, 388	January 1, 2018
	<ul style="list-style-type: none"> • Clarifying municipalities' ability to use the tax sale process to collect unpaid property taxes on property that becomes the property of the Crown as a result of the death of an individual who did not have any lawful heirs. 		May 30, 2017
	<ul style="list-style-type: none"> • Deeming properties that forfeit to the Crown as a result of the dissolution of a corporation or the death of an individual without lawful heirs to be subject to property taxation. However, municipalities cannot recover such amounts from the Crown. 		May 30, 2017
	<ul style="list-style-type: none"> • Reducing the time that property taxes have to be owing before a municipality can start a tax sale from 3 years to 2 years. 		May 30, 2017
	<ul style="list-style-type: none"> • Changing the payment out of court provisions to eliminate the one year wait for a court to make 		January 1, 2018

Prudent investor status	Bill 68 also expands access to the government's prudent investor standard for municipalities that meet certain prescribed conditions.	s.418	TBD
AMP Powers	Bill 68 also gives permissive authority for municipalities to impose administrative penalties for failure to comply with a municipal by-law.	s.434.1(1)	May 30, 2017

About AMCTO:

AMCTO represents excellence in local government management and leadership by providing education, accreditation, leadership, and management expertise for Ontario's municipal professionals for over 75 years. With almost 2,200 members working in municipalities across Ontario, AMCTO is Ontario's largest voluntary association of local government staff, and the leading professional development organization for municipal professionals.

For more information about this resource, contact:

Rick Johal
Director, Member and Sector Relations
rjohal@amcto.com | 905.602.4294 ext. 232

Eric Muller
Policy Advisor
emuller@amcto.com | (905) 602-4294 x234

Contact us:

AMCTO | Association of Municipal Managers, Clerks and
Treasurers of Ontario
2680 Skymark Avenue, Suite 610
Mississauga, Ontario L4W 5L6
Tel: (905) 602-4294 | Fax: (905) 602-4295
Web: www.amcto.com | @amcto_policy

