

September 5, 2024

Sent via email

Commissioner David Wilke
Office of the Integrity Commissioner
2 Bloor Street West, Suite 2100
Toronto, ON M4W 3E2
david.wake@oico.on.ca

Re: Forthcoming Report on Municipal Codes of Conduct

Dear Commissioner:

I am writing to you today on behalf of the [Association of Municipal Managers, Clerks and Treasurers of Ontario \(AMCTO\)](#) regarding what we understand will be a forthcoming report from your Office to the Government about the municipal integrity commissioner framework and standardizing codes of conduct.

AMCTO represents excellence in local government, management, and leadership. For over 85 years we have provided education, accreditation, leadership, and management expertise for Ontario municipal professionals. With 2,200+ members working in municipalities across the province, we are Ontario's largest association of local government professionals.

As you may be aware, AMCTO was invited to participate in the 2021 consultation process where we discussed the municipal accountability framework with Provincial officials including the then Associate Minister of Women's Issues Jill Dunlop, and we made a [written sub-mission](#) to the consultation which contained 11 recommendations to improve the current political accountability framework:

- Ensure staff are not responsible for enforcement of Codes (this includes through an AMP system enforced at the local level).
- Require enhanced mandatory training on Codes for Members of Council.
- Require continued commitment to the Code through an annual attestation.
- Expand minimum standards to be included in the scope.
- Integrity Commissioner independence from Council.
- Integrity Commissioners should have ability to make binding decisions and the power to apply sanctions.
- Create a standard suite of progressive penalties for certain violations.
- Review and update definitions and descriptions of administration and council to ensure clearer distinctions between the political and the administration.
- Clarify the ability of Integrity Commissioners to dismiss frivolous requests and find informal mechanisms for resolution.

- Set standards for Integrity Commissioners to promote greater consistency in investigations (eg qualifications, provision of education).
- Promote greater knowledge of municipal issues in the judicial system and explore the creation of a specific provincial tribunal to handle local government issues.

In our submissions, we also raised the issue that 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.

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.

Since the consultation, the roll-out of the strong mayor framework has had further implications for municipal leaders and staff. Municipal staff require 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 Chief Administrative Officers (CAOs) and senior leaders in tenuous positions.

We recognize that most relationships between council and staff or mayor and staff are cordial based on mutual respect. However, the overall relationship between elected officials and professional municipal staff is increasingly more confrontational, inside and outside of formal council meetings.

AMCTO has called for improvements to Council-Staff relations for several years and have advocated for a mechanism that protects the impartial, professional municipal public servants from politicization.

We also called for the roles of the CAO and head of council to be clarified to distinguish between administrative and political responsibilities which is consistent with recommendations from the Collingwood Judicial Inquiry. Similarly, the roles and responsibilities of staff and council should be clarified to distinguish between providing strategic oversight and implementing administration/operations. The strong-mayor environment has only exacerbated the situation and as the powers are used more frequently as they have been in the last few months, we expect this will only grow.



Municipal organizations are complex and municipal councils and communities they are elected to serve benefit from having someone in a position such as CAO/City Manager, who can offer unfettered, unbiased advice to that body.

The municipal public service is not that different than our colleagues at federal or provincial level. As local government professionals we fully appreciate and understand the role is to provide the best possible advice, that is data-driven, rooted in engagement with the community. The difficult duty of council is to distill this information, listen to the concerns and interests of their constituents then make the best decision possible. This is a process that hinges on the concept of divide between political and administrative.

AMCTO remains concerned that the whittling away of safeguards between apolitical public servants and politicization of the municipal administration may impact the sustainability of the profession and local administration from a recruitment and retention perspective. Blurring the lines between political and administrative responsibilities is risky to the effectiveness of municipal administration.

We want to ensure a strong, stable, and sustainable municipal administration for many years to come yet, we are already seeing fraying relationships and organizational repercussions in communities that have implemented strong mayor powers.

We need a mechanism to protect the impartial, unbiased, professional role that municipal staff and municipal leaders play in local government and these staff need a mechanism to address the behaviour of bad actors.

As you contemplate the advice you will provide to the Premier and to Minister Calandra, we ask that you consider AMCTO's 2021 submission and recommendations, and what impacts the implementation of any advice you provide, and subsequent Provincial policy may have on local government administration, local human resource practices, and the 235,000 public servants across the Province that service our communities.

We look forward to hearing from your perspective on how the current framework could be improved to provide support to municipal staff especially CAOs and what legislative changes should be made to codify the important role that professional staff and leaders play in local government administration.



Should you wish to discuss our recommendations or seek input from local government professionals, please do not hesitate to reach out to David Arbuckle, Executive Director (darbuckle@amcto.com) to arrange a meeting.

Sincerely,

[Originally Signed By]

Paul Shipway CMO, AOMC, Dipl.M.A.
President, AMCTO