

Overview of Changes to Municipal Legislation
the Modernizing Ontario's Municipal Legislation Act, 2017, SO 2017, c 10

A conclusion follows at the end of the summary charts

Changes to the Municipal Act, 2001, SO 2001, c 25

Proposed Changes (Municipal Act, 2001)	Relevant Provisions (Schedule 1)	Status as of July 2017	Commentary
<p><u>Codes of Conduct</u></p> <ul style="list-style-type: none"> • Codes of conduct will be mandatory for all municipalities and local boards • 	18	Not currently in force. Date to be named by proclamation of Lieutenant Governor	Many municipalities are implementing codes of conduct in advance to be ready for the change. The content is not prescribed so the municipality can tailor its code to its own needs.
<p><u>Closed, Open, and Electronic Meetings</u></p> <ul style="list-style-type: none"> • Section 25(1): There is a clearer definition of "meeting" under the open meeting provisions. <ul style="list-style-type: none"> ○ The new definition requires there to be (1) a quorum of council members; and (2) that those present discuss issues in a way that "materially advances" the business or decision making of council, for it to be formally considered a "meeting" that should be open to the public • Section 26: There is an expanded number of discretionary exemptions where councils can meet in closed session. The new exemptions include discussions about the following: <ul style="list-style-type: none"> ○ information explicitly supplied in 	25, 26, 27, 28	<p>Section 28, which is a simple amendment for clarification purposes, is currently in force.</p> <p>Sections 25, 26 and 27 not currently in force. Date to be named by proclamation of Lieutenant Governor.</p>	<p><u>"Materially Advances"</u></p> <p>While the addition provides some added clarity, the phrase "materially advances" still remains uncertain. The case law has not provided clear insight into the definition of the term. Recently, in the Ontario Ombudsman's closed meeting investigations, the Ombudsman did not recognize a difference between "materially" advancing matters in closed session meetings, and simply advancing matters. As such, clarity is lacking in interpreting how and when a meeting "materially" advances matters.</p> <p><u>Breadth of New Closed Meeting Opportunities</u></p> <p>The expanded exemptions for closed meetings are beneficial. The proposed new ability to have a closed session meeting to consider matters involving trade secrets or scientific, technical, commercial or financial information that belongs to the municipality and has monetary value or potential monetary value is broad and</p>

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<p>confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them;</p> <ul style="list-style-type: none"> ○ 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; ○ 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; ○ 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. <ul style="list-style-type: none"> ● Section 27: If a municipality or local board receives a report that a meeting or part of a meeting that was the subject matter of an investigation appears to have been closed to the public contrary to the statute or to a procedure by-law, the municipality 			<p>could encompass a variety of discussions. There is a danger in interpreting the provisions too broadly, which could invite a closed meeting investigation. Some guidance might be found in MFIPPA decisions as similar language is used in that Act.</p> <p><u>Electronic Participation in Public Meetings</u></p> <p>The Act does not specify whether a member is permitted to vote on an agenda item electronically. The legislation being silent on this matter, it appears that the issue has been left to municipalities to determine through their procedural by-law. In the pursuit of clarity, municipalities should therefore pass a by-law either prohibiting or permitting those participating electronically from voting.</p> <p>We caution municipalities to consider all aspects of the Act when amending their procedural by-law. For example, if a member is prevented from voting electronically, but they are still “present” for purposes of participating otherwise in the meeting, section 246 of the Act provides that when a recorded vote is called, failing to vote is a negative vote. This example highlights the unintended consequences that might be triggered. In addition, municipalities should consider the impact to transparency and public confidence in local democracy if this practice is used too liberally.</p>

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<p>or local board must pass a public resolution stating how it intends to address the report.</p> <ul style="list-style-type: none"> • Section 25(2): Councillors will be able to participate in meetings electronically, as long as there is an in-person quorum of councillors. A person participating in a public meeting electronically, however, cannot be counted in determining whether or not a quorum of members is present at any point in time. • Section 25(3): The new legislation is also explicit that councillors and members of local boards will not be able to participate electronically in meetings that are closed to the public. 			
<p><u>Integrity Commissioners</u></p> <ul style="list-style-type: none"> • Section 19: All municipalities will need to provide their citizens access to an Integrity Commissioner, either by appointing their own, keeping one on retainer, or working with another municipality through a shared services agreement • Section 19: The role of the Integrity Commissioner will be changed and expanded in a number of ways, including: <ul style="list-style-type: none"> ○ Expanding their authority to include investigations into whether members have breached the Municipal Conflict of Interest 	19, 20, 21, 22, 23	Not currently in force. Date to be named by proclamation of Lieutenant Governor	<p><u>Result of Increased Roles - Added costs</u></p> <p>The added responsibilities and requirements to retain an Integrity Commissioner will likely result in increased costs for municipalities, especially provided that many Integrity Commissioners in Ontario are on contract and the costs of an investigation would be charged back to the municipality. Specifically, if the Integrity Commissioner determined that an application should be made to court for a judicial decision on whether a member violated the MCI, then the municipality would likely bear the cost of such legal action, including the costs of independent lawyers retained by the Integrity Commissioner to bring forward such an application. This would put the municipality in the position of funding a conflict of</p>

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<p>Act. Under the changes, an elector or a person demonstrably acting in the public interest can apply to the Commissioner for an inquiry into a potential breach of the MCIA (this is a change from "any person" which was proposed when the Bill was first introduced). Upon completion of an inquiry, a Commissioner can decide to bring the matter to court, and costs of applying to a judge will be paid by the relevant municipality or local board;</p> <ul style="list-style-type: none"> ○ Giving them the power to provide advice to councils and local boards about their codes of conduct and MCIA obligations; ○ Giving them broader responsibility for public education <ul style="list-style-type: none"> ● Section 19: Municipalities will be required to indemnify their Integrity Commissioners or any persons acting under the instructions of that officer for costs reasonably incurred with the defence of certain proceedings. ● Section 20: An Integrity Commissioner inquiry not completed by nomination day for a regular election shall be terminated on nomination day. The Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in 			<p>interest application in court against one of its council members, without any input or approval by council.</p> <p>We recommend careful consideration of the retainer agreement with the Integrity Commissioner to scope their role and identify how they seek instructions. The MCIA application cannot be limited, but other areas of discretion can be managed with appropriate agreements.</p> <p>It is also notable that, even though a greatly expanded role for Integrity Commissioners has been provided, there are no regulations/ guidelines imposed to ensure consistency amongst integrity commissioners when conducting investigations.</p>

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<p>a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced</p> <ul style="list-style-type: none"> • Section 20: From the period of time starting on nomination day for a regular election and ending on voting day in a regular election: <ul style="list-style-type: none"> ○ There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member, ○ The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member, and ○ The municipality or local board shall not consider whether to impose penalties on a member of council or a local board • Section 21: Applications for Integrity Commissioner investigations of alleged breaches of the MCI A may only be made within six weeks of the applicant becoming aware of the alleged contravention • We also note that Integrity Commissioners will not have a role in conducting inquiries 			

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<p>on their own initiative about contraventions of codes of conduct and the MClA. This "own initiative" role was proposed in Bill 68 when it was first introduced, and was removed at Standing Committee.</p>			
<p><u>Fiscal Sustainability</u></p> <ul style="list-style-type: none"> Notably, the Ontario government will not be giving municipalities access to any new revenue tools <p><i>Prudent Investor Standards</i></p> <ul style="list-style-type: none"> The government's current prudent investor standards will be expanded to eligible municipalities to give them more investment options. In particular, section 418.1 will permit a municipality that meets certain requirements to invest money that it does not immediately require in any security, in accordance with the section and the regulations. In order for section 418.1 to apply, a municipality will have to pass an irrevocable by-law which will remove that municipality from the more constrained investment regime located in section 418 of the Act. If a by-law is not passed, section 418 will continue to apply. Consequential amendments to reflect this new regime are also made in sections 279, 286, 418, 420, and 421. 	<p><u>Prudent Investor Standards</u> 34, 35, 70, 71, 72, 73, 74</p> <p><u>Changes to Tax Sale Process</u> 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68</p> <p><u>Technical Changes to Municipal Taxation</u> 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53</p>	<p><u>Prudent Investor Standards</u> Sections 34, 35, 70, 71, 72, 73(2) and 74 not currently in force. Date to be named by proclamation of Lieutenant Governor.</p> <p>Section 73(1) currently in force. This provision simply amends the power to enter into an agreement for the investment of money with "a college established under section 5 of the <i>Ministry of Training, Colleges and Universities Act</i>" to "a college established under the <i>Ontario Colleges of Applied Arts and Technology Act, 2002</i>."</p>	<p><u>Prudent Investor Standards</u></p> <p>The new section 418.1 is significant for two main reasons. Firstly, it will allow a municipality to invest in <u>any</u> security subject to future regulations. Section 418.1 will remove the restrictions placed on municipalities to invest in prescribed securities under section 2 of O.Reg. 438/97, entitled "Eligible Investments and Related Financial Agreements". This will provide greater flexibility to municipalities to diversify their investments.</p> <p>Secondly, section 418.1 will impose a prudent investor standard on municipalities. When making an investment, a municipality will have to exercise the care, skill, diligence and judgement that a prudent investor would. This is significant because it will give municipalities a broad range of investment opportunities, while still ensuring public funds are invested sensibly and cautiously.</p> <p>Therefore, the new section 418.1, while beneficial, also places a great degree of responsibility on municipalities. Not only does the section impose a prudent investor standard, but it also requires a municipality to consider a long list of criteria prior to investing, including such things as:</p>

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<p><i>Changes to Tax Sale Process</i></p> <ul style="list-style-type: none"> Changes have also been made to allow tax sales to start faster (the time period is shortened from three to two years), and be easier to complete. Expedited timelines are also provided for the sale of corporate property that has escheated or forfeited to the Crown. Various amendments relate to the coming into force of the <i>Forfeited Corporate Property Act, 2015</i>. <p><i>Technical Changes to Municipal Taxation</i></p> <ul style="list-style-type: none"> Technical changes to taxation provisions under Part VIII, Part IX, Part X are also included. For example, a new subsection 343(6.1) permits tax bills to be sent electronically, if the taxpayer chooses to receive the bill in that manner. A new section 357.1 of the Act authorizes a treasurer of a local municipality, in certain circumstances, to cancel, reduce or refund all or a part of a payment in lieu of taxes. 		<p><u>Tax Sale Process</u> 54(1), 56, 58-68 not in force. Date to be named by proclamation of Lieutenant Governor.</p> <p>Section 54(2) (amendment to definition of “real property taxes”), section 55 (change shortening time period for a tax sale to commence from three to two years), and section 57 (circumstances where no tax arrears certificate may be registered against title to land) currently in force.</p> <p><u>Changes to Municipal Taxation</u> All sections currently in force.</p>	<ul style="list-style-type: none"> General economic conditions; the effect of inflation or deflation; how the investment fits within the municipality's investment portfolio; the expected total return from income and the appreciation of capital; the need for liquidity; regularity of income, and preservation of appreciation of capital. <p>Many of these criteria go beyond the considerations required by section 418 of the Act currently.</p> <p>Section 418.1 will be a subject of future regulations, which could affect the implementation in unforeseen ways. It will be interesting to view future regulations to determine whether there are any restrictions placed on a municipality's ability to invest under section 418.1 of the Act.</p> <p><u>Changes to the Tax Sale Process</u></p> <p>While many of the proposed changes to the tax sale process will result in improved clarity and efficiency, a significant change that could impact potential revenues is also included through an alteration to how excess proceeds from a tax sale are administered. Currently, excess proceeds are paid into court by a municipality following a successful tax sale, and after a one year period has elapsed, the municipality can apply to the Court to receive the balance of the excess proceeds. The new Act amends this to provide that excess proceeds remain with the court for a period of ten years following</p>

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			a tax sale, after which time any excess proceeds are forfeited to the Crown. Therefore, municipalities will no longer have an "as-of-right" entitlement to excess proceeds. While this change will reduce potential municipal revenues, the Province has taken the position that the amendment was made for greater equity and fairness, and that there is no policy-based argument to be made for municipalities keeping this entitlement.
<p><u>Staff-Council Relations</u></p> <ul style="list-style-type: none"> All municipalities will be required to have a formal policy on staff-council relations, addressing the formal roles and responsibilities of public servants and members of council 	32	Not currently in force. Date to be named by proclamation of Lieutenant Governor.	
<p><u>Administrative Monetary Penalties</u></p> <ul style="list-style-type: none"> Municipalities will be given the authority to use administrative monetary penalties for a broader range of offences, beyond simply parking. A new section provides that such administrative penalties constitute a debt to the municipality. 	75	Currently in force.	An administrative penalty is one imposed upon an individual not in compliance with a municipal by-law. This process will allow municipalities to change from a court based fine system to a system of issuing administrative fines, meaning that an offence can be dealt with through a less-costly municipal process instead of through the Provincial Courts. A municipality may now charge administrative fees for a wide variety of matters, including, for example, fees for late payments and failure to appear at the time and place scheduled for an appointment for review of the administrative penalty. The new approach reduces the need to go to court and encourages compliance rather than punishment for contraventions. This represents a significant cost savings compared to traditional prosecution.

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			The fee cannot be “punitive” but can be large enough to “promote compliance.” Determining the correct amount of penalty will require assessing any cost savings realized by not complying, and then adding an amount to “promote compliance.”
<p><u>Parental Leave</u></p> <ul style="list-style-type: none"> • In the pursuit of equity, changes will be made to ensure that women and parents are entitled to take time off for pregnancy or parental leave without fear of being removed from elected office. • Section 32: The new legislation will require all municipalities to have a policy on pregnancy and parental leave for council members. • Section 30: The offices of members of council are now protected during an absence related to pregnancy, birth, or adoption of a council member's child for up to 20 consecutive weeks. • Note that Schedule 4, Section 2 of the new Act also extends these requirements to school boards and their members 	30, 32	<p>Section 30 currently in force.</p> <p>Section 32 not in force. Date to be named by proclamation of the Lieutenant Governor in Council.</p>	
<p><u>Regional Council Composition and Alternate Members</u></p> <ul style="list-style-type: none"> • Sections 14-16: There are a number of changes to regional council composition, including: <ul style="list-style-type: none"> ○ A new requirement for regional 	14, 15, 16, 31	<p>Sections 14-16 come into force on January 1, 2018.</p> <p>Section 31 comes into force on a date to be named by</p>	

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<p>governments to review their council composition following every second municipal election (starting after the 2018 election);</p> <ul style="list-style-type: none"> ○ Removing the requirement for a minister's regulation when changing the composition of council; ○ In situations where a regional government is unable to reach a consensus on a new council composition, the Minister will retain responsibility for imposing a solution through regulation <ul style="list-style-type: none"> • Section 31: A lower-tier council will be able to temporarily appoint an alternate in situations where the permanent member cannot attend an upper-tier council meeting • Section 31: The changes also impose several limitations to the replacement of a member of upper-tier council, including <ul style="list-style-type: none"> ○ Not appointing more than one alternate member during the term of council (however, if the seat of the member who has been appointed as an alternate becomes vacant, the council can appoint a different member to serve as an alternate) ○ Not appointing an alternate member to act in place of an alternate member appointed 		proclamation of the Lieutenant Governor.	

Proposed Changes (<i>Municipal Act, 2001</i>)	Relevant Provisions (Schedule 1)	Status as of July 2017	Commentary
<p>under section 267 (alternate member in the case of a temporary vacancy of a member for more than one month, or in the case of a vacancy in which the vacancy will not be filled for a period exceeding one month)</p> <ul style="list-style-type: none"> ○ Not appointing an alternate head of council of the upper tier municipality <ul style="list-style-type: none"> • As a side note, in the Ontario government's recent omnibus budget bill, it was also announced that regional chairs will also now be directly elected 			
<p><u>Municipal Elections</u></p> <ul style="list-style-type: none"> • The lame duck period will be shortened, and the start of a new council term will now be on November 15th • Other changes to the municipal elections process are highlighted in the overview of the changes to the <i>Municipal Elections Act, 1996</i> below 	24	Currently in force.	
<p><u>Climate Change</u></p> <ul style="list-style-type: none"> • The Municipal Act will now give municipalities explicit authority to pass by-laws dealing with climate change and to engage in long-term energy planning to address the impacts of climate change. 	1, 2, 5, 11, 32	<p>Sections 1,2,5, 11 currently in force.</p> <p>Section 32, which permits a municipality to adopt policies respecting the manner</p>	<p>It remains to be seen how far this jurisdiction will extend. More importantly, enacting by-laws in this area has the potential to conflict with federal and provincial legislation. Municipalities need to carefully consider whether such legislation can operate harmoniously with existing laws.</p>

Proposed Changes (Municipal Act, 2001)	Relevant Provisions (Schedule 1)	Status as of July 2017	Commentary
<p>This amendment will clear up any confusion about municipal authority in this area.</p> <ul style="list-style-type: none"> Changes will also be made to encourage the passing of by-laws relating to green construction, including broadening the scope of sections 9, 10, and 11 of the Municipal Act to permit municipalities to require the construction of green roofs or alternative roof surfaces that achieve similar levels of performance to green roofs. A green roof is now defined as a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water and energy conservation. 		<p>in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality, will come into force on a date to be named by proclamation of the Lieutenant Governor.</p>	
<p><u>Community Councils</u></p> <ul style="list-style-type: none"> A new section is added to the Municipal Act concerning the establishment of community councils by municipalities Community Councils will be responsible for exercising the powers and duties and performing the functions that have been delegated/assigned to them by the municipality with respect to matters relating to all or part of the municipality. The functions of a community council may include making recommendations to council on any matter, such as the budget. Under the new provisions, a community council may include a council committee 	3	Currently in force.	

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<p>or a body having at least two members that is composed of:</p> <ul style="list-style-type: none"> ○ one or more members of council; ○ individuals appointed by council, or ○ a combination of such individuals 			
<p><u>Small Business</u></p> <ul style="list-style-type: none"> • Municipalities will now be required to meet prescribed conditions before establishing small business programs 	8	Not currently in force. Date to be named by proclamation of the Lieutenant Governor.	
<p><u>Advertising Devices</u></p> <ul style="list-style-type: none"> • Subsection 99(1) of the Municipal Act, which currently governs the application of by-laws respecting certain advertising devices, is repealed. The subsection, as it previously read, continues to apply to by-laws passed before the section was repealed. 	6	Currently in force.	Subsection 1 “grandfathered” advertising devices/ signs that were in existence prior to the By-law. With the repeal of this section, the grandfathering no longer applies where a new by-law is passed. A municipality could continue to grandfather signs in a new by-law, but it is no longer mandatory.

Other changes, all of which are currently in force, include the following:

- Subsection 44(10) of the Municipal Act currently governs the service of notice of a claim for the recovery of damages relating to the default by a municipality to keep in repair a highway or bridge for which the municipality has jurisdiction. The subsection is amended to require the notice to include the date, time, and location of the injury complained of (See Section 4)
- A new section 434.3 of the Act permits a municipality to pass a by-law respecting the limitation period for an offence relating to a matter described in section 223.9 or 223.10 (See Section 76)
- A new section 474.11 of the Act deems land that is vested in or becomes property of the Crown in certain circumstances to be rateable property for the purposes of the Act. Transition rules are also included (See Section 81)

Changes to the Municipal Conflict of Interest Act, RSO 1990, c M50 (See Schedule 3)

Proposed Changes (<i>Municipal Conflict of Interest Act</i>)	Relevant Provisions (Schedule 3)	Status as of July 2017	Commentary
<p><u>Applications to Court</u></p> <ul style="list-style-type: none"> The changes permit "an elector, as defined in the MCIA, or a person demonstrably acting in the public interest", to make an application to a judge for a determination of whether there has been a breach of the Act. This is a change from "an elector" in the MCIA prior to Bill 68, and "any person" proposed in the Bill when it was introduced As mentioned above, the provisions also allow an Integrity Commissioner to make an application to court in relation to an MCIA matter. 	7	Not in force. Date to be named by proclamation of the Lieutenant Governor.	<p><u>Who Can Bring Forward a Complaint Under the MCIA?</u></p> <p>The broadening of the individuals entitled to bring an application to a judge under the MCIA is more substantial than it appears. By allowing a "person demonstrably acting in the public interest" to bring an application, the legislature has opened up a potential application from a variety of different entities. At common law, a "person" is considered to include a corporation, and under the <i>Municipal Act, 2001</i>, a "person" includes a municipality unless the context otherwise requires. The changes therefore have the potential of allowing other entities, such as corporations and other municipalities, to bring forward a complaint. The end result would be that a council could also direct the municipality to commence an application in court against one of its members for a possible violation of the MCIA, at the expense of the municipality.</p>

Proposed Changes (Municipal Conflict of Interest Act)	Relevant Provisions (Schedule 3)	Status as of July 2017	Commentary
<p><u>Members Have New Obligations</u></p> <ul style="list-style-type: none"> Where a member has a pecuniary interest in a matter that is being considered by an officer or employee of the municipality or local board, the member is now explicitly prohibited from using his or her office to attempt to influence any decision or recommendation. Also, at a meeting, when a member declares a pecuniary interest in a matter, they are now required to file a written statement outlining the interest and its general nature. 	4	Not in force. Date to be named by proclamation of the Lieutenant Governor.	This is a significant change. The previous rules prevented influencing the vote. Now pecuniary interests extend to matters being considered by staff. It remains to be seen how “use his or her office in any way to attempt to influence” the decision will be interpreted. It is difficult to see how a councillor could interact with staff on a matter where they have a pecuniary interest without the fact that they are a councillor being perceived as attempting to influence.
<p><u>Specific Exclusion</u></p> <ul style="list-style-type: none"> The amendments also include a new exclusion/ exemption from the requirements of the MCI Act. Under the new provisions, if a member's suspension of pay (related to a code of conduct violation) is being considered at a meeting, the member can take part in the discussions, including making submissions to council or the local board. However, the member cannot vote on the matter. 	4	Not in force. Date to be named by proclamation of the Lieutenant Governor.	This is a reasonable change to allow members to defend themselves, while still not being entitled to vote on their own sanction.
<p><u>Penalties</u></p> <ul style="list-style-type: none"> The range of penalties for MCI Act 	7	Not in force. Date to be named by proclamation of the	These changes are positive, as the current MCI Act provides limited penalties that are often too harsh and disproportional to the circumstances being considered

Proposed Changes (Municipal Conflict of Interest Act)	Relevant Provisions (Schedule 3)	Status as of July 2017	Commentary
<p>violations will be expanded, giving judges more latitude when dealing with these types of violations.</p> <ul style="list-style-type: none"> • In particular, under the new changes, if a judge determines that the member or former member contravened the Act, they may do any or all of the following: <ul style="list-style-type: none"> ○ Reprimand the member or former member; ○ Suspend the remuneration paid to the member for a period of up to 90 days; ○ Declare the member's seat vacant; ○ Disqualify the member or former member from being a member during a period of not more than seven years; and/or ○ If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. • In the exercise of discretion when imposing a penalty, the act also provides that the judge may consider, among other things, whether the member or former member: <ul style="list-style-type: none"> ○ Took reasonable measures to 		Lieutenant Governor.	by an adjudicator. The current rules require removal of a member from office upon a finding of a contravention, regardless of the severity of the breach. The only way to avoid such a penalty is for the member to demonstrate inadvertence or an error in judgement. The amendments provide much needed flexibility to ensure an evaluation of all relevant circumstances and the imposition of an appropriate penalty.

Proposed Changes (<i>Municipal Conflict of Interest Act</i>)	Relevant Provisions (Schedule 3)	Status as of July 2017	Commentary
<p>prevent the contravention;</p> <ul style="list-style-type: none"> ○ Disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner and acted in accordance with that advice provided by the Commissioner, or ○ Committed the contravention through inadvertence or by reason of an error in judgement made in good faith. 			
<p><u>Conflict of Interest Registration</u></p> <ul style="list-style-type: none"> • Municipalities will also be required to create a registry that tracks all registered conflicts of interest. The registry will keep copies of the newly required written statements as well as the declarations recorded in the meeting minutes under section 6 of the Act. The registry is required to be made available to the public. 	5	Not in force. Date to be named by proclamation of the Lieutenant Governor.	

Changes to the Municipal Elections Act, 1996, SO 1996, c 32 (See Schedule 4, Section 8)

- Subsection 6(1) is amended to change the beginnings of terms of all offices from December 1 to November 15 in the year of a regular election. A transitional rule applies with respect to the 2018 regular election (term begins on December 1, 2018 and ends on November 14, 2022). Section 94.2 which sets out the limitation period with respect to the prosecution of offences in relation to elections, is also amended to make consequential changes, including a transitional rule in relation to the 2014 regular election.
- A change of the individual contribution limit from \$750 to \$1200 is also made (this will place it in line with the provincial limit)
- Another change also imposes new formula-based limits on self-finance campaigns, with a maximum limit of \$25,000.

COMMENT: Of note, there is nothing included in the new changes to the *Municipal Elections Act* to support the engagement of electors during municipal elections. Current municipal legislation considers a municipality's role during an election as passive, with the main goal of conducting a fair, open, impartial and transparent election process. There is no specific mandate for municipalities to have a public engagement process in the *Municipal Elections Act, 1996*, even though it is considered best practice. Unlike Elections Ontario, municipalities do not have the mandate, tools, or provincial support to engage the public during elections to encourage vote participation.

Conclusion

We recommended that all council members and municipal staff review and familiarize themselves with these changes and seek clarification and advice to ensure compliance.