

Type of Decision							
Meeting Date	Tuesday, September 11, 2018			Report Date	Wednesday, Sept. 5, 2018		
Council Decision Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Priority	X	High	Low
Complies with Current Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Creates New Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Aligns with Strategic Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Priority in Asset Management Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Follows Procedure By-law	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Follows Procurement By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Aligns with Zoning By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Aligns with previous Council precedent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
As per Provincial Legislation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Provincial Act or Regulation	Bill 68 – Modernizing Ontario's Municipal Legislation Act		
Direction	x	Information Only		Type of Meeting	X	Open	Closed
REPORT TITLE – Bill 68 Policies							
Report #11/09/2018 - 1001							

Subject: By-Law to adopt the legislated changes as required under the changes to various pieces of legislation under Bill 68.

RECOMMENDATION:

That Council approve the resolution concerning policy changes as required under Bill 68.

WHEREAS Council has passed By-Law 2018-08 Establishing the Office of Integrity Commissioner and adopting a policy with respect to the actions of the Integrity Commissioner;

AND WHEREAS it is recommended that the current Code of Conduct and Code Complaint process be updated;

AND WHEREAS it is required that each municipality adopt a Council/Staff Relationship Policy;

AND WHEREAS Council has at its meeting of July 24, 2018 adopted these documents by resolution;

THEREFORE BE IT RESOLVED THAT By-Law 2018-18 being a by-law to adopt a Council Code of Conduct, Council/Staff Relations Policy, and the Integrity Commissioner Inquiry Protocol pre and post March 1, 2019 for the Council of the United Townships of Head, Clara & Maria be read a first time short and passed this 11th day of September, 2018.

BACKGROUND/EXECUTIVE SUMMARY:

As provided in Report #12/06/18 – 1203 from the June Council meeting as amended...

Bill 68 changes. Council has received updates on these changes through AMO, AMCTO and Steve Seller's (MAH) recent presentation. The following is a list of policies/required to be compliant with legislation. We are well on our way.

Staff is attending training on Friday, June 8 where policies will be created in conjunction with Expertise for Municipalities and the Wishart Group along with various municipal employees. The policies created will be provided to Council for review. Printed copies will be provided for the meeting of Tuesday, June 12 and may be picked up at the municipal office by Monday.

Changes already complied with:

- Council Code of Conduct (2012)
- Hiring of Integrity Commissioner
- Policy on Pregnancy/Parental Leave for Council Members

Required:

- Electronic Participation in Council Meetings – (still outstanding)
- Code of Conduct – updated
- Staff Council Relationship Policy - provided
- Policy for Protection of Tree Canopy – (outstanding – not a staff priority)
- Integrity Commissioner Protocol – pre and post March 1, 2019 - provided

Allowed but not requiring specific action at this time:

- Unpaid administrative fees of any type may be added to the tax roll
- Tax sale process – new rules for properties assumed by the Crown, reduction of the time taxes are owing before the tax sale process may commence and changing the 1 yr. timeline for court to pay out proceeds
- Permissive authority for municipalities to impose administrative penalties for failure to comply with a municipal by-law

Options/Discussion:

1. Option 1 – Not adopt the policies and by-law.

a. Pros

- i. Easy way out.

b. Cons

- i. Non-compliant with legislation.
- ii. Potential loss of the Ontario Municipal Partnership Funding.
- iii. Costs of legislation and defense of decision.
- iv. Potential for repercussion - fines from MMA.

2. Option 2 – Adopt the policies and by-law.

a. Pros

- i. Compliant with legislation.
- ii. Concrete policies for the public, Council and employees to use moving forward.

b. Cons

- i. None

Financial Considerations – Budget Impact:

The costs of an Integrity Commissioner (IC) have been built into the 2018 budget. Depending on the use of this resource, the activities of Council members – and subsequent complaints to the IC, the fees may escalate. Much will depend on the people involved and their willingness to act according to the letter and spirit of the policies and provincial legislation.

Depending on that factor – the costs cannot possibly be estimated moving forward with so many variables however; based on 2017 and 2018 to date – legal costs amounted to nearly \$70,000.

Others Consulted:

Wishart Municipal Law Group
Expertise for Municipalities
Municipal Staff attending training in June

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith