

## MINUTES

Meeting of the Ontario Small Urban Municipalities

Executive Committee

Monday, June 28<sup>th</sup>, 2021 at 9:15am (Zoom)

(Minister Hon. Jane Mckenna and staff joined at 10:00am)

### PRESENT:

Rick Milne-Chair, Town of Tecumseth

Hilda MacDonald-Vice Chair, Town of Leamington

Jo-Anne Albert, Municipality of Tweed

Ron Elliott, Town of Minto

Joanne Vanderheyden, Strathroy Caradoc

Mason Ainsworth, City of Orillia

Bob Kwapis, Town of Newmarket

Dwayne Evans, North Huron

Larry McCabe, Administrative Officer

### ALSO PRESENT:

Britany Ardiel, AMO Staff

Adam Garcia, AMO Staff

### REGRETS:

Graydon Smith, Town of Bracebridge

Lynn Dollin, Town of Innisfill

Jamie McGarvey, Town of Parry Sound

Michael Touw, Town of Perth

### PURPOSE OF THE MEETING:

The Ministry of Municipal Affairs and Housing have requested that Minister Mckenna meet with the OSUM Executive Committee to provide input on the Municipal Code of Conduct review. The OSUM Committee met at 9:45am to discuss the questions that the Ministry would like input, on concerning the Code. Prior to the Minister joining the Committee the following questions have been asked of various organizations concerning the Code including responses submitted by the Association of Municipalities of Ontario and the Ontario Municipal Administrators Association.

- 1) what changes or mechanisms are needed to better hold council members accountable for municipal code of conduct violations;
- 2) how to effectively enforce these codes;
- 3) whether a broader range of penalties for violations of the codes of conduct are needed; and
- 4) the circumstances in which these potential penalties could be applied.

The Committee support fully the recommendation of AMO and OMMA that have been submitted to the Minister. Additional comments of the Committee are as follows concerning the Ministry questions above:

#### Question 1

-Perhaps Council Members should be removed from other Municipal Committees and Boards as a result of a violation of a code of conduct.

-Municipal Council Members should have to undertake training immediately upon being elected and periodically during the term of their office in order to understand the importance of the Code of Conduct and any amendments that may have occurred during their term.

-Although monetary penalties are somewhat effective there should be other forms of penalties in place and Integrity Commissioners should be provided with additional tools. It is felt that a range of penalties should be considered depending on the infraction or violation of the Code by a Council Member. The OSUM Committee concur with AMO that the suspension of a Council Member could occur in more specified and limited situations.

#### Question 2

It is suggested that with regards to effectively enforcing these codes that the Integrity Commissioners be provided with more powers to deal with violations of the Codes of Conduct and that these Codes be standardized for all Municipalities clearly defining the penalties in place and the powers of the Integrity Commissioner in implementing penalties up to and including removal from office in extreme situations.

The Integrity Commissioners must have these powers and it should not be left up to the Municipal Council to make these decisions but rather an independent third party such as an Integrity Commissioner. Finally, not only is education and training required for Municipal Councillors but also should include training and education for Integrity Commissioners along with standardization of the function.

### Question 3

In addition to a broader range of penalties previously noted above to be provided to Integrity Commissioners there could be considered a step process that occurs prior to the possible violation being referred to the Integrity Commissioner. This could eliminate the continued request of a Council Member being referred directly to a Integrity Commissioner when a Council Member does so continuously on numerous matters. This may also eliminate frivolous complaints although not taking the right of a request to an Integrity Commissioner, at the appropriate time, from a Council Member.

### Question 4

The degree of penalty has to relate to how serious the violation is and Council Members must be educated as to the consequences of violations to the Code of Conduct. Integrity Commissioners must be provided with more tools and balance the penalty provisions with the degree to which the Code of Conduct is violated. However, an integral part of the Integrity Commissioner process is better education and standardization of the Integrity Commissioners function, duties and responsibilities.

During the course of the meeting the following points were thoroughly discussed some of which are noted in the answers to the Ministries question above but are summarized as follows:

- Courses and training are required for Council Members on an ongoing basis regardless of their tenure on Councils;
- Education and standardization are required both at the Council level and at the Integrity Commissioner level;
- In addition to standardization of the Integrity Commissioner role there has to be more detail provided by the Ministry versus minimal detail than currently exists.
- Caution has to take place for any authority provided to Integrity Commissioners in removal of Council Members from office.

The Ministry should also address the apparent dismissal of Integrity Commissioners if Council's do not like the Commissioner's report. This appears to be happening on a regular basis throughout the province. A mechanism of review of such actions should be considered.


- Stronger monetary penalties may or not be effective but are probably still required in addition to expanded powers of the position of Integrity Commissioners as determined by the Ministry based on input from such organizations as AMO, OMAA and OSUM.

It is further noted that Minister McKenna has requested that OSUM consider forwarding a submission to her Ministry.

Following further discussion Chair Milne thanks the Minister for her attendance and OSUM will forward a submission to her attention prior to the July 15<sup>th</sup> deadline.

Administrative Officer McCabe will follow up with detailed minutes and a draft letter to the Minister. A draft of the minutes and the letter will be circulated for input by Committee Members and AMO Staff.

At this time the meeting adjourns at 10:45am to meet again during the AMO Conference.

  
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Chair Rick Milne

  
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Administrative Officer Larry McCabe