



Monday, February 10, 2025

The Honourable Paul Calandra
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay St., 13th Floor
Toronto, ON, M7A 2J3

**Re: WOWC Submission regarding Bill 241, *Municipal Accountability Act, 2024*
(Proposal 24-MMAH025)**

Dear Minister Calandra,

I am writing on behalf of the Western Ontario Wardens' Caucus (WOWC) to provide feedback on the proposed *Municipal Accountability Act, 2024*, introduced on December 12, 2024. The WOWC appreciates the Ministry's commitment to strengthening the municipal code of conduct and integrity commissioner framework, and acknowledges the value of these proposed changes in promoting consistency and accountability across Ontario municipalities.

After consideration, the WOWC is supportive of the first two proposed changes, being the creation of a standard municipal code of conduct and standard integrity commissioner investigation processes to ensure consistency across Ontario municipalities; and the establishment of a role for the Integrity Commissioner of Ontario to provide training and guidance to municipal integrity commissioners, supporting effective and fair investigations.

The WOWC understands that if following a proper investigation, a member of council is found to have contravened the code of conduct and that that contravention is of a "serious nature" that has "resulted in harm to the health, safety or well-being of any person," that the local integrity commissioner may make a recommendation to the Provincial integrity commissioner to declare the member's seat vacant.

Given this, the WOWC suggests consideration of the following:

- that the Ministry provide clarity regarding the definition of "frivolous and vexatious";
- that the code of conduct clearly identify what constitutes a "contravention of a serious nature" by enumerating actions (or inactions) that, if committed, would be deemed "serious" in nature; and
- that contraventions of "a serious nature" not only be limited to those that have "resulted in harm to the health, safety or well-being of any person" but, rather, to deter and prevent such occurrences in the first place, to include contraventions that are intended to, or are reasonably meant to, cause harm to the health, safety, well-being and/or reputation of a person.



In lieu of the current proposed process that contemplates the local integrity commissioner referring findings of a contravention of a serious nature to the Provincial integrity commissioner where it is recommended that the member's seat be declared vacant – who would then be required to conduct its own "inquiry" to determine if the member's conduct is as described by the local commissioner – the WOWC would suggest, for consideration, that the second level of "inquiry" be limited to a review whereby the Provincial integrity commissioner would only review the local commissioner's investigation for adequacy, and decision and recommendation for reasonableness.

Such a review would, in our view, expedite the process by eliminating any potential duplication in "inquiries" or investigations, and thus reduce costs to the ratepayer. In similar vein, the WOWC requests clarity on the mechanisms being considered by the Ministry, if any, to address cost recovery for these investigation processes, specifically for small and rural municipalities.

In addition, the WOWC has concerns regarding the third proposed change related to the removal and disqualification of council members and certain local board members. Specifically, the mechanism proposed – requiring a unanimous vote of council after a recommendation from the local integrity commissioner and a concurring report from the Integrity Commissioner of Ontario – is insufficient.

Such a decision should not rest solely with the local council, even in the case of a unanimous vote. We feel strongly that this process would benefit from an independent, third-party judicial review following the integrity commissioner's ruling and the council's vote. This additional safeguard would help ensure that any such decision is made with the utmost fairness and impartiality, reducing the risk of political bias or undue influence. Given the gravity of removing an elected official from office, an independent judicial review would provide an important final step in the process, helping to maintain public trust in the integrity of the system and ensuring that decisions are made transparently and with due process.

For additional consideration, the draft Bill prescribes how a contravening member's seat could be declared vacant. Currently, the Bill requires that "all" of Council vote in favour of declaring the offending member's seat. We have two (2) suggestions on that process, for consideration.

First, the WOWC questions the need for "all" of Council to support the resolution. Typically, decisions are made on a majority-rules basis. Moreover, the Bill stipulates that if a member is absent without Council's authorization from the meeting where the vote is taken, then the threshold of securing "all" of Council's support to remove the offending member cannot be obtained.

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This process and requirement facilitate political maneuvering, allowing a member who does not wish to go on record on the matter to simply opt to miss a meeting without Council's authorization and thus avoid the issue altogether, resulting in a failed vote. Where a member was to choose to be so absent, the seat could not be declared vacant even if all other attending members voted in favour of the removal.

Secondly, and more importantly, the WOWC questions the need for the vote to go to Council in the first place. We suggest that the Province consider the process that is currently prescribed in the *Municipal Conflict of Interest Act* applicable to members who offend that legislation. Under that law, if a member is found to have committed a breach the commissioner brings an application to declare the offending member's seat vacant (which, incidentally, includes acts also prohibited in Codes of conduct) to the Superior Court of Ontario – not Council – for adjudication.

That alternate process takes local politics out of the equation and, in our view, provides greater objectivity and fairness in the process and best serves the purpose of the legislation. The WOWC suggests the same process be prescribed under Bill 241.

The WOWC respectfully urges the Ministry to consider amending the third proposed change to include considerations for the above points as part of the final step in the process. This would provide greater confidence in the fairness and legitimacy of any decision to remove or disqualify a member of council.

Thank you for considering our feedback. We remain committed to supporting safe, respectful, and accountable municipal governance and look forward to continuing to work together to improve the framework for municipal conduct.

Respectfully submitted,



Warden Kevin Marriott
Vice-Chair, Western Ontario Wardens' Caucus