



Town of Arnprior
Regular Meeting of Council: August 28th, 2023
Correspondence Package Number A-23-AUG-12

Recommendation:

That the Correspondence Package Number. A-23-AUG-12 be received, and that the recommendation(s) outlined be brought forward for Council's consideration.

Action Items:

1. Resolution for Support – Proposed MFIPPA Modernization - Municipality of Chatham-Kent

Whereas the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990* (MFIPPA) dates back 30 years;

Whereas municipalities, including the Town of Arnprior, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

Whereas government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

Whereas the creation, storage and utilization of records has changed significantly, and the Town Clerk and the Clerk's Office is now responsible for records and information management programs as prescribed by the *Municipal Act, 2001*;

Whereas Ontario Regulation No. 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

Whereas the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

Whereas the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size,

number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

Whereas the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

Whereas legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

Whereas there are limited resources to assist administrators or requestors to navigate the legislative process;

Whereas reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

Be It Resolved That the Council of the Corporation of the Town of Arnprior requests that the Ministry of Government and Consumer Services review the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990* and consider the following recommendations:

1. **That** MFIPPA assign the Municipal Clerk, or their designate, to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the Information and Privacy Commissioner (IPC), be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

2. **Resolution for Support: Associations of Municipalities of Ontario – Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement**

Whereas, all Ontarians deserve and expect a safe and respectful workplace;

Whereas, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

Whereas, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

Whereas, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

Whereas, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

Whereas, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

Be It Resolved That the Council of the Corporation of the Town of Arnprior supports the call of the Association of Municipalities of Ontario (AMO) for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

Further That the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment;
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario;
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province;
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner;
- Prohibiting a member so removed from sitting for election in the term of removal and the subsequent term of office.

July 5, 2023

Via Email: Kaleed.Rasheed@ontario.ca

Minister of Public and Business Service Delivery (MPBSD)

Honourable Rasheed:

**Re: Time for Change
Municipal Freedom of Information and Protection of Privacy Act**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 26, 2023 passed the following resolution:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

If you have any questions or comments, please contact Judy Smith at ckclerk@chatham-ketn.ca

Sincerely,

Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

c.

Lianne Rood, MP
Dave Epp MP
Trevor Jones, MPP
Monte McNaughton, MPP
Information and Privacy Commissioner of Ontario
Association of Municipalities of Ontario
AMCTO Legislative and Policy Advisory Committee
Ontario municipalities

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Josh Machesney, City Clerk

June 19, 2023

The Honourable Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building
Queen's Park, Toronto, ON M7A 1A1

RE: Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

Dear Premier Ford:

This letter will serve to advise that at a meeting of City of Quinte West Council held on June 14, 2023 Council passed the following resolution:

Motion No 23-266 – Notice of Motion – Councillor Sharpe - Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

Moved by Councillor Stedall

Seconded by Councillor Card

Whereas, all Ontarians deserve and expect a safe and respectful workplace;

And whereas, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

And whereas, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

And whereas, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

And whereas, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

And whereas, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

And whereas the Councillors Freeman, Reid, Sharpe and Stedall support the "Women of Ontario Say No" and their effort to get this legislation passed;

Now, therefore be it resolved that the City of Quinte West supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

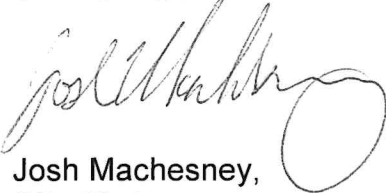
Also be it resolved that the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office. **Carried**

We trust that you will give favourable consideration to this request.

Yours truly,

CITY OF QUINTE WEST



Josh Machesney,
City Clerk

cc:

Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Charmaine Williams, Associate Minister of Women's Social and Economic Opportunity
Hon. Todd Smith, MPP, Bay of Quinte
Colin Best, President, Association of Municipalities of Ontario (AMO)
All Municipalities in Ontario

**The Corporation of the Municipality of St. Charles
RESOLUTION PAGE**



Regular Meeting of Council

Agenda Number: 10.2.

Resolution Number 2023-150

Title: Resolution Stemming from May 17, 2023 Regular Meeting of Council - Item 9.1 - Correspondence #4, 10, 11, 12, and 19

Date: July 19, 2023

Moved by: Councillor Laframboise


Seconded by: Councillor Pothier

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles expresses support for Bill 5 - Stopping Harassment and Abuse by Local Leaders Act, which would require the Code of Conduct for municipal Councillors and members of local boards to include a requirement to comply with workplace violence and harassment policies and permit municipalities to direct the Integrity Commissioner to apply to the Court to vacate a member's seat if the Commissioner's inquiry determines that the member has contravened this requirement;

AND BE IT FURTHER RESOLVED THAT this Resolution be circulated to the municipalities represented by the Western Ontario Warden's Caucus;

AND BE IT FURTHER RESOLVED THAT this Resolution be circulated to the Honourable Doug Ford, Premier of Ontario; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario (AMO); the local Member of Parliament (MP); the local Member of Provincial Parliament (MPP); and all Ontario Municipalities.

CARRIED


MAYOR



**BONFIELD TOWNSHIP
OFFICE OF THE DEPUTY CLERK**

365 HIGHWAY 531

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RESOLUTION OF COUNCIL

June 13th, 2023

No. 16

Moved by Councillor Featherstone

Seconded by Councillor Clark

THAT the Council of the Township of Bonfield supports the Ontario Big City Mayor's motion on legislative amendments to improve municipal Codes of Conduct and enforcement; AND THAT federal and provincial elected officials should take similar actions to hold themselves to account; AND THAT a copy of this motion be circulated to Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Doug Ford, Premier of Ontario, the Honourable David Lametti, Minister of Justice, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing, Scott Pearce, Federation of Canadian Municipalities Acting President, Colin Best, President of the Association of Municipalities of Ontario, and all Ontario municipalities.

Carried Narry Paquette

DIVISION VOTE

FOR

Donna Clark

Jason Corbett

Steve Featherstone

Dan MacInnis

Narry Paquette

AGAINST

Declaration of Pecuniary Interest/Conflict of Interest

Declared interest, abstained from discussion, and did not vote on the question.

CERTIFIED to be a true copy of Resolution No. 16 of the Township of Bonfield's Regular Council Meeting of June 13th, 2023, and which Resolution is in full force and effect.

Andrée Gagné

Deputy Clerk-Treasurer



OBCM Motion on Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

WHEREAS, all Ontarians deserve and expect a safe and respectful workplace;

AND WHEREAS, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

AND WHEREAS, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

AND WHEREAS, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

AND WHEREAS, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

AND WHEREAS, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

AND WHEREAS Ontario's Big City Mayors (OBCM) support the efforts of MPP Stephen Blais who has introduced the Private Members Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022 which has been endorsed by a number of OBCM member councils;

AND WHEREAS a fundamental, underlying principle of broadening diversity, equity and inclusion in politics rests on the assumption that the workplace is safe;

AND WHEREAS we believe that municipal elected officials should be held to account in this way, we also believe that federal and provincial elected officials should take similar actions to hold themselves to account

THEREFORE BE IT RESOLVED THAT:

1. OBCM supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments or in the alternative, OBCM supports the province ordering Bill 5 for second reading to expedite this matter;
2. **AND THAT** legislation encompass the Association of Municipalities of Ontario's recommendations for:
 - a. Updating municipal Codes of Conduct to account for workplace safety and harassment
 - b. Creating a flexible administrative penalty regime, adapted to the local economic

- and financial circumstances of municipalities across Ontario
 - c. Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
 - d. Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
 - e. Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.
3. **AND THAT** OBCM requests that municipalities and their respective Integrity Commissioners be consulted on the development of any regulations related to the proposed legislation;
4. **AND THAT** this motion be circulated to the Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Doug Ford, Premier of Ontario, the Honourable David Lametti the, Minister of Justice, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing, Scott Pierce, Federation of Canadian Municipalities Acting President, and Colin Best, President of the Association of Municipalities of Ontario.

