

Submission to

The Standing Committee on Social Policy

Bill 68, Modernizing Ontario's Legislation Act, 2017

April 10, 2017



Ontario Catholic School
Trustees' Association



Ontario Catholic School Trustees' Association

Mission Statement

Inspired by the Gospel, the Ontario Catholic School Trustees' Association provides the provincial voice, leadership and service for elected Catholic school trustees to promote and protect publicly funded Catholic education in Ontario.

Vision Statement

Ontario is enriched by a publicly funded Catholic education system, governed by locally elected Catholic school trustees who serve with faith, commitment and compassion.

Introduction

On behalf of the Ontario Catholic School Trustee's Association ("OCSTA"), we would like to make the following comments on Bill 68, *Modernizing Ontario's Municipal Legislation* ("Bill 68") to the Standing Committee on Social Policy.

Locally elected Catholic School trustees have through-out the history of the province of Ontario served as stewards and as strong advocates of publicly funded Catholic education. Today these democratically elected men and women represent the over 2 million Catholic ratepayers in Ontario. The 29 Catholic Boards they serve on provide excellence in faith filled education to over 550,000 students in 1,500 schools.

While we support the overall objectives of the proposed legislation, namely, to improve the accountability and transparency of municipal government and school boards, OCSTA has a number of concerns and recommendations with regard to the proposed amendments to the *Municipal Conflict of Interest Act* contained in Bill 68 and its impact on the governance of Catholic school boards. As a fundamental principle we believe that all levels of local governments including municipal councillors and school trustees should be treated similarly.

Summary of Bill 68

Bill 68, *Modernizing Municipal Legislation Act, 2016* proposes to amend certain acts including the *Municipal Act*, the *City of Toronto Act*, the *Municipal Elections Act* and the *Municipal Conflict of Interest Act*. It proposes to amend the *Municipal Conflict of Interest Act* and the *Municipal Elections Act* in ways that will impact all municipalities and school boards. Schedule 3 of the Bill proposes the following changes:

- Require Trustees to declare any financial interest at any meeting that may conflict with his or her duties and file a written statement of the members financial interest at that meeting or as soon as possible after the meeting.
- Require boards to establish a "registry" of statements and declarations of interest of Trustees that would be available for public inspection.
- Prohibit a Trustee from using his or her office to influence a decision or recommendation being considered by board staff, if the member has financial interest in the outcome of the decision or recommendation.
- Municipal Conflict of Interest Act Penalties: if a judge determines that a contravention of the Municipal Conflict of Interest Act has occurred (that is the Trustee did not disclose a financial interest in a matter at a meeting) then the judge may reprimand the Trustee, suspend the Trustee's pay for up to 90 days, declare the seat vacant, disqualify the

Trustee during a period of up to seven years and/or require the Trustee to make restitution.

- Propose amendments to the *Municipal Elections Act, 1996*. The term of office is proposed to change from December 1 to November 15 in the year of a regular election. This is to address the lag time from election dates (third week of October) to start date of the term of office.

OCSTA's Recommendations/Concerns:

While OCSTA-supports restrictions on trustees and other elected officials using his or her office to influence board decisions where a financial interest is at stake, we do have concerns about the other proposed changes to the *Municipal Conflict of Interest Act* and the *Municipal Elections Act*.

Based on consultations with member boards, the following proposed amendments to the *Municipal Elections Act* and the *Municipal Conflict of Interest Act* we believe are unnecessary and potentially disruptive to the optimal functioning of school boards:

1. The proposed amendments to section 8, 9, 10 of the *Municipal Conflict of Interest Act*, 8. (1) states that “any person may apply to a judge” for a determination of the question of whether a municipal councillor or school board trustee has either failed to file a written conflict of interest statement or used his or her office to influence a decision where they have a conflict of interest. OCSTA strongly objects to this change. Currently the Municipal Conflict of Interest Act states that only an elector or ratepayer within a board’s jurisdiction may apply to judge indicating a potential breach of the Act. These are the classes of persons that may be affected by a breach of the Act not any person in Ontario. Allowing persons from outside the board’s or municipality’s jurisdiction to apply to a judge for potential violations of the Act would invite many frivolous and vexatious claims to be made against councillors and school board trustees. Therefore we believe these sections of the Act should remain unchanged.
2. Changing the start date from December 1 to November 15 in an election year for school boards will impose disruptive changes onto its schedule of meetings and various administrative functions. December 1 has been the start date for municipal and school board terms of office for many decades and the change is unnecessary.
3. Requiring Trustees to file written conflict of interest statements for each board meeting, where the trustee declares his or her financial interest, will impose a significant administrative burden on trustees and school boards. Catholic School boards have policies currently in place whereby at the beginning of each meeting trustees publicly declare conflicts of interest and the reasons for such conflicts. A record is kept in the minutes of each meeting which are available to the public making this additional requirement unnecessary.
4. Requiring School Boards to create and manage public registry of written declarations of a financial conflict of interest for its trustees, is an unnecessary administrative burden. Trustees

already declare their financial conflicts at each board meeting and these are noted in the minutes of each meeting which in turn are posted to each board's web site. If the Ministry of Municipal Affairs insists on a public registry and posting of trustee conflicts, then we suggest a quarterly written statement for each financial conflict of a trustee that would be posted on the new registry. This reduces the burden on drafting written statements for each school board meeting, while advancing the goals of transparency and accountability.

Parental and Pregnancy Leave Policies

One proposed change outlined in other amendments in Bill 68 concerns pregnancy and parental leave policies. The proposed amendment would provide that a council member's seat will not be vacated due to absences related to pregnancy, birth, or the adoption of the member's child for a period of 20 consecutive weeks or less and would require municipalities to adopt and maintain policies with respect to pregnancy and parental leaves of council members. OCSTA would request that this suggested amendment be extended to school boards as well as municipal councils.

Once again, thank you for the opportunity to provide the Standing Committee with our comments and concerns about Bill 68.

If you have questions, please do not hesitate to contact Steve Andrews, Director of Legislative and Political Affairs at sandrews@ocsta.on.ca

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