



Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020

AMO Submission to Standing Committee on Justice Policy of the Ontario
Legislative Assembly

November 3, 2020

Introduction

Bill, 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020* is comprised of two Schedules which establish new legislative protections on the one hand and amend existing legislation on the other. AMO, and the Ontario municipal governments we represent, strongly support the first and have significant concerns about the latter.

Schedule 1: *Supporting Ontario's Recovery Act, 2020*

AMO strongly supports the limited liability protection for good faith efforts of individuals and organizations working to preserve the health and safety during the pandemic established in Schedule 1 of the Bill. Our Association has been requesting this protection since March this year. AMO applauds the government for delivering it retroactive to the declaration of a provincial emergency. AMO notes that civil remedies remain available to Ontarians regardless of the Bill's content.

Since the pandemic began, AMO has worked to provide its members with timely information that would help them to evaluate and manage the impacts on their communities. Municipal governments have been concerned about the risk of court proceedings which could negatively impact our organizations' ability to provide services to our communities.

To manage the pandemic and support the health and safety of residents, municipalities substantially scaled back services, especially in the early stages when the virus was less understood. While municipalities complied with provincial orders, some local decisions may also have contained an element of risk mitigation for taxpayers where continuing to offer services could expose residents to the virus.

Some examples of provincial orders and municipal action to protect the public included:

- shutting down parks and playgrounds
- modifying operations in homeless shelters
- enforcing social distancing rules
- closing municipal day cares, recreational programs, and camps.

Municipalities are also legally required to offer at least one long-term care facility to our residents. This is something many AMO members exceed to offer in options and quality care in our communities. We are all aware of the impact of the virus in the long-term care setting.

In addition, municipal governments are open to risk when third parties offer services using municipal facilities. AMO and municipal governments have raised concerns about the impact of joint and several liability many times. Municipal governments remain at risk from it and as a result during the pandemic, many non-profit and club activities have been cancelled or scaled back. This affects quality of life, limits skills and social capital building, and further reduces municipal revenues for reinvestment in local services.

The COVID-19 pandemic is not over. Additional actions may yet be needed to protect our communities. As it evolves, good faith liability protection will help municipalities to make the best decisions to serve our residents. We welcome this change.

Schedule 2: *Municipal Elections Act, 1996*

Schedule 2 of Bill 218 makes changes to the *Municipal Elections Act, 1996*, to eliminate the option of using ranked ballots in municipal elections. It also reverts the nomination deadline for candidates to the second Friday in September. These changes were surprising to many municipal governments and AMO recommends withdrawing the Schedule.

Ontario has 444 municipal governments. Municipalities operate very differently than provincial or federal governments. Municipalities in Ontario do not have political parties, Cabinet decision-making or party discipline. The mayor has the same power as others on Council. Decisions are made with a higher level of transparency, and individuals, companies and groups can easily present to the entire council.

Ranked ballot elections have been allowed by legislation since 2017. Since that time, one municipal government conducted such an election in 2018; two municipal governments have put questions on their 2018 ballots and intend to move forward; and a handful more have been considering consulting their residents on their 2022 ballots.

It is often said municipal governments are the “closest to the people” and most in tune with their concerns. To best represent residents, communities need to determine how they elect their leaders.

Municipal governments are constantly working to engage their communities in civic conversation. They use many ways to do it. Even the idea of a “town hall event” is shorthand for innovative engagement.

Ranked ballots, where residents want to try them, offer a different way to engage residents and can help encourage more diverse voices in local decision-making. Limiting this could leave some residents discouraged about the openness of municipal governments to their concerns and that discouragement could grow over time. Using a different form of voting is just another difference that we are confident residents can adjust to where communities wish to try them.

Another major difference between municipal and other governments is our election period. Provincial and federal elections last several weeks, while municipal elections occur over 6 months. Candidates may file nomination papers on May 1st of the election year up until the fourth Friday in July, currently. Election day is the fourth Monday in October.

Bill 218 proposes to change the deadline for nominations, reverting it to the second Friday in September. AMO understands that municipal elections staff requested an earlier nomination date to allow them to better prepare ballots and settle election administration. In recognition of staff needs, AMO believes this should be left unchanged.

If the Standing Committee believes a date change is absolutely necessary to support candidates' ability to prepare campaign resources, it should be no later than the second-last week of August to give staff the time they need to prepare ballots and manage elections administration.