

# 2015

## CHAPTER 30

An Act to amend *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010* and to make related and consequential amendments to *The Ombudsman Act, 2012* and *The Planning and Development Act, 2007* to Strengthen the Integrity and Accountability of Municipal Entities and to Bring Municipal Entities Within the Jurisdiction of the Ombudsman

(Assented to November 19, 2015)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### PART I Short Title

#### Short title

**1-1** This Act may be cited as *The Municipal Conflict of Interest Amendment Act, 2015*.

### PART II *The Cities Act*

#### S.S. 2002, c.C-11.1 amended

**2-1** *The Cities Act* is amended in the manner set forth in this Part.

#### Section 2 amended

**2-2** The following clause is added after clause 2(1)(z):

“(z.1) ‘**private interest**’ does not include an interest in a decision:

- (i) that is of general public application; or
- (ii) that affects a person as one of a broad class of persons”.

#### New sections 55 and 55.1

**2-3** Section 55 is repealed and the following substituted:

#### “Council committees and bodies

**55** A council may establish council committees and other bodies and define their functions.

**“Procedures at meetings**

**55.1(1)** Subject to the regulations, a council shall, by bylaw, establish general procedures to be followed in conducting business at council meetings.

(2) Without limiting the matters that may be addressed in a bylaw passed pursuant to subsection (1), the bylaw must include:

- (a) rules for the conduct of members of council;
- (b) rules regarding the confidentiality, transparency, openness and accessibility of documents and other matters to be discussed by or presented to a council;
- (c) rules respecting delegations, presentations and submissions;
- (d) the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places;
- (e) the procedures for calling a special meeting of council pursuant to section 97;
- (f) rules and procedures respecting the closing of all or part of a meeting;
- (g) the procedure for appointing a person pursuant to section 64; and
- (h) any prescribed matter.

(3) A bylaw passed pursuant to subsection (1) may include any other matter specified by a council.

(4) A council shall give public notice of any bylaw that is to be introduced, amended, repealed or passed pursuant to subsection (1).

(5) A council shall ensure that all council committees, controlled corporations and other bodies established by the council have publicly available written procedures for conducting business at meetings.

(6) A council shall adopt or amend the bylaws as required by this section within 60 days after the coming into force of this section.

(7) The Lieutenant Governor in Council may make regulations respecting the required contents of a bylaw to be passed pursuant to this section”.

**Section 65 amended****2-4 Clause 65(e) is repealed and the following substituted:**

“(e) subject to the bylaws made pursuant to section 55.1, to keep in confidence matters discussed in private or to be discussed in private at a council or council committee meeting until discussed at a meeting held in public”.

**New sections 66.1 and 66.2****2-5 The following sections are added after section 66:****“Code of ethics**

**66.1(1)** A council shall, by bylaw, adopt a code of ethics that applies to all members of the council.

- (2) The code of ethics must define the standards and values that the council expects members of council to comply with in their dealings with each other, employees of the city and the public.
- (3) No member of council shall fail to comply with the city's code of ethics.
- (4) Compliance with the code of ethics does not relieve a member of council from complying with the other requirements of this Act.
- (5) The code of ethics adopted pursuant to subsection (1) must:
  - (a) include the prescribed model code of ethics;
  - (b) comply with any prescribed requirements regarding adoption, updating and public accessibility; and
  - (c) set out the process for dealing with contraventions of the code of ethics.
- (6) In addition to the matters set out in subsection (5), the code of ethics may include:
  - (a) codes of ethics for members of committees, controlled corporations and other bodies established by council who are not members of council;
  - (b) subject to the regulations, rules regarding the censure or suspension of a member of council who has contravened the code of ethics;
  - (c) policies, rules and guidelines regarding a member of council accepting gifts or other benefits in connection with that member's holding of office; and
  - (d) any other statements of ethics and standards determined to be appropriate by the council.
- (7) The Lieutenant Governor in Council may make regulations prescribing:
  - (a) the model code of ethics;
  - (b) the period within which a code of ethics must be adopted by the council, including prescribing different dates for different cities;
  - (c) the form of a code of ethics adopted pursuant to this section and the manner of its adoption, updating and being made publicly accessible;
  - (d) rules or limitations regarding the censure or suspension of a member of council who has contravened a code of ethics adopted pursuant to this section;
  - (e) the public notice and public reporting required in relation to a code of ethics adopted pursuant to this section;
  - (f) any other matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this section.

**“Failure to adopt code of ethics**

**66.2** If a council fails to adopt a code of ethics in accordance with this Act and the regulations made pursuant to subsection 66.1(7), the prescribed model code of ethics is deemed to have been adopted by the council as the code of ethics pursuant to section 66.1 on the day after the date set by the regulations by which the code of ethics was required to be adopted by the council”.

**New section 68****2-6 Section 68 is repealed and the following substituted:****“Oath or affirmation**

**68(1)** Every member of council shall, before carrying out any power, duty or function of his or her office, take an official oath or affirmation in the prescribed form.

(2) The oath or affirmation mentioned in subsection (1) must include statements declaring that the member of council:

- (a) is qualified to hold the office to which he or she has been elected;
- (b) has not received and will not receive any payment or reward or promise of payment or reward for the exercise of any corrupt practice or other undue execution or influence of his or her office;
- (c) has read and understands the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council; and
- (d) promises to:
  - (i) perform the duties of office imposed by this and any other Act or law and by the council;
  - (ii) disclose any conflict of interest within the meaning of Part VII in accordance with this Act; and
  - (iii) comply with the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council.

(3) Every member of council holding office on the day before the coming into force of this section shall take the official oath or affirmation in the prescribed form within 30 days after the council’s adoption or amendment of the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council”.

**New section 85.1****2-7 The following section is added after section 85:****“Employee code of conduct**

**85.1(1)** A council shall cause to be established and made publicly available a code of conduct for employees of the city that includes conflict of interest rules.

- (2) The conflict of interest rules must:
- (a) set out the types of conduct that are prohibited, including rules prohibiting an employee from:
    - (i) using information that is obtained as a result of his or her employment and that is not available to the public to:
      - (A) further, or seek to further, his or her private interests or those of his or her family; or
      - (B) seek to improperly further another person's private interests; or
    - (ii) using his or her position to seek to influence a decision of another person so as to:
      - (A) further, or seek to further, his or her private interests or those of his or her family; or
      - (B) seek to improperly further another person's private interests; and
  - (b) specify the procedure an employee is to follow if the employee suspects that he or she may be in a conflict of interest and the procedure for resolving a conflict".

**Section 91 amended**

**2-8 Subsection 91(1) is amended:**

- (a) by adding the following clause after clause (a):
 

"(a.1) the official oaths or affirmations taken by members of council pursuant to section 68"; and
- (b) in clause (c) by striking out "pursuant to clause 55(a)".

**Section 94 amended**

**2-9 Subsection 94(3) is amended by striking out "pursuant to clause 55(a)".**

**New heading to Part VII**

**2-10 The heading to Part VII is struck out and the following substituted:**

**"PART VII  
Conflicts of Interest of Members of Council".**

**Section 114 amended**

**2-11 Section 114 is amended:**

- (a) by adding the following clause after clause (b):
 

"(b.1) 'council, council committee, controlled corporation or other body' includes any committee or subcommittee of a committee, and any board, agency or commission, appeal board or other body, on which a member of council serves in his or her capacity as a member of council";

**(b) by repealing clause (c) and substituting the following:**

“(c) **‘family’** means the spouse and dependent children of a member of council”; **and**

**(c) by adding the following clause after clause (c):**

“(c.1) **‘meeting’** includes any regular, special, emergency or other meeting of a council, council committee, controlled corporation or other body, whether formal or informal”.

**New section 114.1**

**2-12 The following section is added after section 114:**

**“Conflict of interest**

**114.1(1)** A member of council has a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interests or the private interests of a closely connected person.

(2) A financial interest as described in subsection 115(1) always constitutes a conflict of interest.

(3) Every member of council shall comply with any prescribed standards, procedures and rules in relation to a conflict of interest or a declaration of a conflict of interest.

(4) Nothing in this Part is to be interpreted as affecting any other rights given by, or the application of other requirements, duties or responsibilities imposed by, any other Act or law in relation to the matters covered by this Part.

(5) For the purposes of this section, the Lieutenant Governor in Council may make regulations respecting the standards, procedures and rules in relation to a conflict of interest”.

**Section 115 amended**

**2-13(1) Subsection 115(1) is amended in the portion preceding clause (a) by striking out “pecuniary interest” and substituting “financial interest”.**

**(2) Subsection 115(2) is amended in the portion preceding clause (a) by striking out “pecuniary interest” and substituting “financial interest”.**

**New section 116**

**2-14 Section 116 is repealed and the following substituted:**

**“Public disclosure statement**

**116(1)** Subject to the regulations, every member of council shall, within 30 days after being elected, file a public disclosure statement with the clerk in the form provided by the council.

(2) A public disclosure statement required pursuant to subsection (1) must contain:

- (a) the name of:
  - (i) every employer, person, corporation, organization, association or other body from which the member of council or someone in the member's family receives remuneration for services performed as an employee, director, manager, operator, contractor or agent;
  - (ii) each corporation in which the member or someone in the member's family has a controlling interest, or of which the member or someone in the member's family is a director or a senior officer;
  - (iii) each partnership or firm of which the member of council or someone in the member's family is a member; and
  - (iv) any corporation, enterprise, firm, partnership, organization, association or body that the member of council or someone in the member's family directs, manages, operates or is otherwise involved in that:
    - (A) transacts business with the city;
    - (B) the council considers necessary or appropriate to disclose; or
    - (C) is prescribed;
- (b) the municipal address or legal description of any property located in the city or an adjoining municipality that is owned by:
  - (i) the member of council or someone in the member's family; or
  - (ii) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which the member or someone in the member's family is a director or senior officer or in which the member or someone in the member's family has a controlling interest;
- (c) the general nature and any material details of any contract or agreement involving the member of council or someone in the member's family that could reasonably be perceived to be affected by a decision, recommendation or action of the council and to affect the member's impartiality in the exercise of his or her office; and
- (d) any other prescribed information or contents.

- (3) Every member of council who has previously filed a public disclosure statement pursuant to subsection (1) shall annually submit a declaration that:
- (a) declares that no material change has occurred since the last public disclosure statement was filed pursuant to this section; or
  - (b) details the material changes that have occurred since the last public disclosure statement was filed pursuant to this section.
- (4) The annual declaration required pursuant to subsection (3) must be submitted on or before November 30 in each year.
- (5) The clerk shall:
- (a) note any change reported pursuant to clause (3)(b) on the member's public disclosure statement and the date on which the change was noted;
  - (b) make each public disclosure statement filed pursuant to subsection (1) and each declaration submitted pursuant to subsection (3) available for public inspection during normal business hours; and
  - (c) if directed to do so by council, give copies of the statements to any designated officials.
- (6) Notwithstanding subsection (3), a member of council is subject to an ongoing duty of disclosure and is, in any of the following circumstances, required to submit to the clerk within the stated period a written amendment to the member's public disclosure statement:
- (a) if the member declares a conflict of interest, as soon as is practicable after the declaration;
  - (b) if there is a material change to the information detailed in the disclosure statement, within 30 days after the material change;
  - (c) if there is a recognition by the member or another person of an error or omission, as soon as is practicable after the error or omission is recognized.
- (7) The Lieutenant Governor in Council may make regulations prescribing information and other matters, conditions, exceptions and limitations respecting a public disclosure statement to be filed pursuant to this section".

**Section 117 amended**

**2-15(1) Subsections 117(1) to (3) are repealed and the following substituted:**

- "(1) If a member of council has a conflict of interest in a matter before the council, a council committee, a controlled corporation or other body, the member shall, if present:
- (a) before any consideration or discussion of the matter, declare that he or she has a conflict of interest;
  - (b) disclose the general nature of the conflict of interest and any material details that could reasonably be perceived to affect the member's impartiality in the exercise of his or her office;



(c) abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;

(d) subject to subsection (4), refrain from participating in any discussion relating to the matter; and

(e) subject to subsections (3) and (4), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

“(2) No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member of council has a conflict of interest.

“(3) If the matter with respect to which a member of council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the member shall comply with clauses (1)(a) to (d), but it is not necessary for the member to leave the room”.

**(2) Subsection 117(4) is amended in the portion preceding clause (a) by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 117(5) is repealed and the following substituted:**

“(5) Every declaration of a conflict of interest made pursuant to subsection (1) and the general nature and material details of the declaration and any abstention or withdrawal must be recorded in the minutes of the meeting.

“(6) On a declaration in accordance with clause (1)(a), the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the member of council”.

**New sections 117.1 and 117.2**

**2-16 The following sections are added after section 117:**

**“Absence from meeting and ongoing disclosure**

**117.1(1)** If a conflict of interest in a matter has not been disclosed as required by section 117 due to the absence of the member of council from the meeting mentioned in that section, the member shall:

(a) disclose the conflict of interest at the next meeting of the council, council committee, controlled corporation or other body that the member attends; and

(b) otherwise comply with the requirements of that section.

(2) A member of council who has disclosed a conflict of interest as required by subsection (1) shall:

(a) declare and disclose the conflict of interest at every meeting of the council, council committee, controlled corporation or other body at which the member is present and the matter is discussed or considered; and

(b) comply with section 117.

**“Restrictions on influence and use of office**

**117.2** A member of council shall not use his or her office to seek to influence a decision made by another person to further the member of council’s private interests or the private interests of a closely connected person”.

**Section 119 amended**

**2-17(1) Subsection 119(1) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(2) Subsection 119(2) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 119(3) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(4) Subsection 119(5) is amended by striking out “pecuniary” and substituting “conflict of”.**

**Section 120 amended**

**2-18(1) Subsection 120(1) is amended:**

**(a) by striking out “or” after clause (e); and**

**(b) by adding the following after clause (f):**

“(g) is determined to have made a false statement or declaration in the nomination paper filed in accordance with *The Local Government Election Act, 2015*; or

“(h) is removed from office by the minister or by the Lieutenant Governor in Council pursuant to section 356 or 358.1, as the case may be, unless the order directs that the person is not disqualified”.

**(2) Subsection 120(2) is repealed and the following substituted:**

“(2) A member of council who is disqualified from council pursuant to this section is not eligible to be nominated or elected in an election in any municipality until the earlier of:

(a) 12 years following the date of the disqualification; and

(b) the date of any pardon obtained with respect to a disqualification pursuant to a conviction pursuant to clause (1)(d)”.

**Section 121 amended**

**2-19(1) Subsection 121(6) is amended:**

**(a) by striking out “or” after clause (b); and**

**(b) by adding the following after clause (b):**

“(b.1) declare the person eligible to be nominated in the next election; or”.

**(2) Subsection 121(7) is amended in the portion preceding clause (a) by striking out “pecuniary” and substituting “conflict of”.**

**Section 156 amended**

**2-20 Subclause 156(2)(b)(ii) is amended by striking out “pursuant to clause 55(a)”.**

**Section 192 amended**

**2-21 Subsection 192(3) is amended by striking out “pecuniary” and substituting “financial”.**

**Section 316 amended**

**2-22 Clause 316(a) is amended by striking out “pursuant to clause 55(a)”.**

**Section 317 amended**

**2-23(1) Subsection 317(1) is amended by striking out “pursuant to clause 55(a)” and substituting “by a council”;**

**(2) Clause 317(3)(a) is amended by striking out “pursuant to clause 55(a)” and substituting “by a council”.**

**Section 320 amended**

**2-24(1) Subsection 320(1) is amended:**

**(a) in the portion preceding clause (a) by adding “, any owner or occupant of property, any business within the city or the minister” after “city”; and**

**(b) by repealing clause (a) and substituting the following:**

**“(a) the bylaw or resolution is illegal in substance or form”.**

**(2) Subsection 320(2) is amended by striking out “60 days” and substituting “six months”.**

**Section 352 amended**

**2-25(1) Subsection 352(1) is amended:**

**(a) in the portion preceding clause (a) by striking out “pursuant to clause 55(a)”;**

**(b) by adding “or” after clause (a);**

**(c) by striking out “or” after clause (b); and**

**(d) by repealing clause (c).**

**(2) Clause 352(4)(c) is amended by striking out “pursuant to clause 55(a)”.**

**Section 353 amended**

**2-26(1) Subsection 353(1) is amended by striking out “pursuant to clause 55(a)”.**

**(2) Subsection 353(4) is amended:**

**(a) by striking out “or chief administrative officer”; and**

**(b) by striking out “pursuant to clause 55(a)”.**

**(3) Subsection 353(5) is repealed and the following substituted:**

“(5) The results of the inspection must be reported to:

- (a) the minister;
- (b) the council;
- (c) if the inspection is with respect to a committee or other body established by the council, the committee or other body; and
- (d) if the inspection is with respect to a controlled corporation, the controlled corporation.

“(6) The minister may:

- (a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or
- (b) in consultation with the council, allow the council to disclose the information”.

**Section 354 amended****2-27(1) Subsection 354(1) is amended:**

- (a) by adding “or” after clause (a);
- (b) by striking out “or” after clause (b); and
- (c) by repealing clause (c).

**(2) Subsection 354(2) is amended:**

- (a) in clause (a) by striking out “pursuant to clause 55(a)”;
- (b) by striking out “or” after clause (a); and
- (c) by repealing clause (b) and substituting the following:
  - “(b) the conduct of a member of council, including conduct in relation to a financial interest or other conflict of interest pursuant to Part VII; or
  - “(c) the conduct of an employee or agent of the city, a committee or other body established by the council or a controlled corporation”.

**(3) Subsections 354(4) and (5) are repealed and the following substituted:**

“(4) Any persons appointed to conduct an inquiry have the same powers, privileges and immunities conferred on a commission by sections 11, 15, 25 and 26 of *The Public Inquiries Act, 2013*.

“(5) The results of the inquiry must be reported to:

- (a) the minister;
- (b) the council;
- (c) if the inquiry is with respect to a committee or other body established by the council, the committee or other body;

(d) if the inquiry is with respect to a controlled corporation, the controlled corporation; and

(e) if the inquiry is with respect to a councillor or employee, the councillor or the employee.

“(6) The minister may:

(a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or

(b) in consultation with the council, allow the council to disclose the information”.

**Section 355 amended**

**2-28 Clause 355(a) is amended by striking out “pursuant to clause 55(a)”.**

**Section 356 amended**

**2-29(1) Subsection 356(1) is repealed and the following substituted:**

“(1) In this section, ‘**official examination**’ means:

(a) an audit pursuant to section 352;

(b) an inspection pursuant to section 353;

(c) an inquiry pursuant to section 354; or

(d) an investigation, review, report or recommendation by or from the Ombudsman pursuant to *The Ombudsman Act, 2012*.

“(1.1) The minister, may, by order, direct the council, a commissioner, a manager or a designated officer of the city to take any action that the minister considers proper in the circumstances if the minister considers that summary action is necessary because of an official examination.

“(1.2) In an order made pursuant to subsection (1.1), the minister may suspend, censure or otherwise limit the powers and duties of all or any member of council, a commissioner, a manager or a designated officer of the city during the conduct of an official examination if the minister considers it in the public interest”.

**(2) The following subsection is added after subsection 356(2):**

“(2.1) The order mentioned in subsection (1.1) may include a direction to remove, repeal, alter, amend or rescind a bylaw, resolution or approval of the city or any fee or charge that is imposed by a city”.

**(3) Subsection 356(4) is amended by adding “suspension or” before “dismissal”.**

**(4) Subsections 356(5) and (6) are repealed and the following substituted:**

“(5) The minister may appoint a person or persons who shall have all the powers and duties of the council:

(a) on the suspension of the council or one or more members of council if the remaining members do not constitute a quorum; and

(b) on the dismissal of the council or one or more members of council if the remaining members do not constitute a quorum”.

New sections 357 and 358

**2-30 Sections 357 and 358 are repealed and the following substituted:**

**“Person appointed to supervise**

**357(1)** The minister may, at any time, appoint a person to supervise a city and its council.

(2) While the appointment of a person pursuant to this section continues:

(a) a bylaw or resolution that authorizes the city to incur a liability must be approved in writing by the person before it has any effect; and

(b) the person may, at any time within 60 days after the passing of any bylaw or resolution, disallow it.

(3) A bylaw or resolution disallowed pursuant to clause (2)(b) is deemed to have always been void.

**“Remuneration of appointed persons**

**358** If the minister appoints a person to conduct an audit, inspection or inquiry pursuant to this Act, or to act for a city in accordance with subsection 356(5) or section 357, the city, if required to do so by the minister, shall pay that person’s remuneration and expenses, as set by the minister”.

New sections 358.1 and 358.2

**2-31 The following sections are added after section 358:**

**“Dismissal and appointment of members of council**

**358.1(1)** If the Lieutenant Governor in Council considers it in the public interest to do so, the Lieutenant Governor in Council may, at any time, by order, do either of the following:

(a) remove the mayor or another member of council of a city without appointing a person to replace the person removed;

(b) remove the mayor or another member of council of a city and appoint a person to act as the mayor, councillor or all of the council for a city.

(2) A mayor or another member of council who is removed by order from office pursuant to subsection (1) immediately ceases to hold office on the making of the order.

(3) Every person appointed pursuant to this section:

(a) has the same powers and authority as those conferred by this Act on a person who is elected as a mayor or councillor, as the case may be; and

(b) is entitled to be remunerated out of the funds of the city or otherwise as the Lieutenant Governor in Council may determine by order.

(4) On the making of an order of the Lieutenant Governor in Council pursuant to this section, the minister, by order, shall:

(a) appoint a returning officer;

(b) fix a nomination period for the purpose of nominating candidates to fill the vacancies on the council;

- (c) specify the terms of office of the persons to be elected;
- (d) name a place for receiving nominations; and
- (e) notwithstanding *The Local Government Election Act, 2015* or any bylaw, resolution or regulations made pursuant to that Act, specify any other matter, direct any other thing or include any provision that:
  - (i) the minister considers appropriate to achieve the purposes of *The Local Government Election Act, 2015*;
  - (ii) ensures that the election is conducted in accordance with *The Local Government Election Act, 2015*; or
  - (iii) the minister considers advisable.

(5) If the date of the next general election is less than one year after the date of the order made by the Lieutenant Governor in Council pursuant to this section, a term specified pursuant to clause (4)(c) may extend past the date of that next general election.

(6) As part of the order issued pursuant to subsection (4), the minister may direct the council to take any action that the minister considers appropriate.

**“Power to dismiss and remove certain persons**

**358.2(1)** In this section, ‘**previous provision**’ means section 356 as it existed on the day before the coming into force of this section.

(2) Notwithstanding any other Act or law, if a person was dismissed from office as a member of council or was otherwise declared to have ceased to hold office pursuant to the previous provision:

- (a) that person is immediately disqualified from council and section 120 applies, with any necessary modification, to that person; and
- (b) if the person was elected as a member of council before the coming into force of this section:
  - (i) the election of that person is deemed to be void;
  - (ii) on the coming into force of this section, that person ceases to hold office and his or her office is declared to be vacant; and
  - (iii) the Lieutenant Governor in Council and the minister may do any of the things mentioned in section 358.1, and that section applies, with any necessary modification, for the purposes of this section.

(3) Notwithstanding any other Act or law, no action or other proceeding lies or shall be commenced against any of the following based on any claim for loss or damage arising from the enactment or application of this section:

- (a) the Crown;
- (b) any member or former member of the Executive Council; or
- (c) any officer, director, employee or agent or former officer, director, employee or agent, of the Crown.

(4) Every claim for loss or damage resulting from the enactment or application of this section is extinguished”.

## Section 360 amended

**2-32 Subclause 360(1)(a)(iii) is amended by striking out “pursuant to clause 55(a)”.**

## PART III

*The Municipalities Act*

## S.S. 2005, c.M-36.1 amended

**3-1** *The Municipalities Act* is amended in the manner set forth in this Part.

## Section 2 amended

**3-2 The following clause is added after clause 2(1)(ff):**

“(ff.1) ‘**private interest**’ does not include an interest in a decision:

- (i) that is of general public application; or
- (ii) that affects a person as one of a broad class of persons”.

## New sections 81 and 81.1

**3-3 Section 81 is repealed and the following substituted:**

## “Council committees and bodies

**81** A council may establish council committees and other bodies and define their functions.

## “Procedures at meetings

**81.1(1)** Subject to the regulations, a council shall, by bylaw, establish general procedures to be followed in conducting business at council meetings.

(2) Without limiting the matters that may be addressed in a bylaw passed pursuant to subsection (1), the bylaw must include:

- (a) rules for the conduct of members of council;
- (b) rules regarding the confidentiality, transparency, openness and accessibility of documents and other matters to be discussed by or presented to the council;
- (c) rules respecting delegations, presentations and submissions;
- (d) the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places;
- (e) the procedures for calling a special meeting of council pursuant to section 123;
- (f) rules and procedures respecting the closing of all or part of a meeting;
- (g) the procedure for appointing a person pursuant to section 91; and
- (h) any prescribed matter.

(3) A bylaw passed pursuant to subsection (1) may include any other matter specified by a council.



- (4) A council shall give public notice of any bylaw that is to be introduced, amended, repealed or passed pursuant to subsection (1).
- (5) A council shall ensure that all council committees, controlled corporations and other bodies established by the council have publicly available written procedures for conducting business at meetings.
- (6) A council shall adopt or amend the bylaws as required by this section within 60 days after the coming into force of this section.
- (7) The Lieutenant Governor in Council may make regulations respecting the required contents of a bylaw to be passed pursuant to this section”.

**Section 92 amended**

**3-4 Clause 92(e) is repealed and the following substituted:**

“(e) subject to the bylaws made pursuant to section 81.1, to keep in confidence matters discussed in private or to be discussed in private at a council or council committee meeting until discussed at a meeting held in public”.

**New sections 93.1 and 93.2**

**3-5 The following sections are added after section 93:**

**“Code of ethics**

**93.1(1)** A council shall, by bylaw, adopt a code of ethics that applies to all members of the council.

(2) The code of ethics must define the standards and values that the council expects members of council to comply with in their dealings with each other, employees of the municipality and the public.

(3) No member of council shall fail to comply with the municipality’s code of ethics.

(4) Compliance with the code of ethics does not relieve a member of council from complying with the other requirements of this Act.

(5) The code of ethics adopted pursuant to subsection (1) must:

- (a) include the prescribed model code of ethics;
- (b) comply with any prescribed requirements regarding adoption, updating and public accessibility; and
- (c) set out the process for dealing with contraventions of the code of ethics.

(6) In addition to the matters set out in subsection (5), the code of ethics may include:

- (a) codes of ethics for members of committees, controlled corporations and other bodies established by council who are not members of the council;

- (b) subject to the regulations, rules regarding the censure or suspension of a member of council who has contravened the code of ethics;
  - (c) policies, rules and guidelines regarding a member of council accepting gifts or other benefits in connection with that member's holding of office; and
  - (d) any other statements of ethics and standards determined to be appropriate by the council.
- (7) The Lieutenant Governor in Council may make regulations prescribing:
- (a) the model code of ethics;
  - (b) the period within which a code of ethics must be adopted by the council, including prescribing different dates for different municipalities or classes of municipalities;
  - (c) the form of a code of ethics adopted pursuant to this section and the manner of its adoption, updating and being made publicly accessible;
  - (d) rules or limitations regarding the censure or suspension of a member of council who has contravened a code of ethics adopted pursuant to this section;
  - (e) the public notice and public reporting required in relation to a code of ethics adopted pursuant to this section;
  - (f) any other matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this section.

**“Failure to adopt code of ethics**

**93.2** If a council fails to adopt a code of ethics in accordance with this Act and the regulations made pursuant to subsection 93.1(7), the prescribed model code of ethics is deemed to have been adopted by the council as the code of ethics pursuant to section 93.1 on the day after the date set by the regulations by which the code of ethics was required to be adopted by the council”.

**New section 94**

**3-6 Section 94 is repealed and the following substituted:**

**“Oath or affirmation**

**94(1)** Every member of council shall, before carrying out any power, duty or function of his or her office, take an official oath or affirmation in the prescribed form.

(2) The oath or affirmation mentioned in subsection (1) must include statements declaring that the member of council:

- (a) is qualified to hold the office to which he or she has been elected;
- (b) has not received and will not receive any payment or reward or promise of payment or reward for the exercise of any corrupt practice or other undue execution or influence of his or her office;

(c) has read and understands the code of ethics, rules of conduct and procedures applicable to the member's office imposed by this and any other Act and by the council; and

(d) promises to:

(i) perform the duties of office imposed by this and any other Act or law and by the council;

(ii) disclose any conflict of interest within the meaning of Part VII in accordance with this Act; and

(iii) comply with the code of ethics, rules of conduct and procedures applicable to the member's office imposed by this and any other Act and by the council.

(3) Every member of council holding office on the day before the coming into force of this section shall take the official oath or affirmation in the prescribed form within 30 days after the council's adoption or amendment of the code of ethics, rules of conduct and procedures applicable to the member's office imposed by this and any other Act and by the council".

**New section 111.1**

**3-7 The following section is added after section 111:**

**"Employee code of conduct**

**111.1(1)** A council shall cause to be established and made publicly available a code of conduct for employees of the municipality that includes conflict of interest rules.

(2) The conflict of interest rules must:

(a) set out the types of conduct that are prohibited, including rules prohibiting an employee from:

(i) using information that is obtained as a result of his or her employment and that is not available to the public to:

(A) further, or seek to further, his or her private interests or those of his or her family; or

(B) seek to improperly further another person's private interests; or

(ii) using his or her position to seek to influence a decision of another person so as to:

(A) further, or seek to further, his or her private interests or those of his or her family; or

(B) seek to improperly further another person's private interests; and

(b) specify the procedure an employee is to follow if the employee suspects that he or she may be in a conflict of interest and the procedure for resolving a conflict".

## Section 117 amended

**3-8 Subsection 117(1) is amended:****(a) by adding the following clause after clause (b):**

“(b.01) the official oaths or affirmations taken by members of council pursuant to section 94”; and

**(b) in clause (c) by striking out “pursuant to clause 81(a)”.**

## Section 120 amended

**3-9 Subsection 120(3) is amended by striking out “pursuant to clause 81(a)”.**

## Section 126 amended

**3-10 Subsection 126(1) is amended by striking out “pursuant to clause 81(a)”.**

## Section 140.1 amended

**3-11 Clause 140.1(2)(b) is amended by striking out “pursuant to clause 81(a)”.**

## New heading to Part VII

**3-12 The heading to Part VII is struck out and the following substituted:**

“PART VII  
Conflicts of Interest of Members of Council”.

## Section 141 amended

**3-13 Section 141 is amended:****(a) by adding the following after clause (b):**

“(b.1) ‘**council, council committee, controlled corporation or other body**’ includes any committee or subcommittee of a committee, and any board, agency or commission, appeal board or other body, on which a member of council serves in his or her capacity as a member of council”;

**(b) by repealing clause (c) and substituting the following:**

“(c) ‘**family**’ means the spouse and dependent children of a member of council”; and

**(c) by adding the following clause after clause (c):**

“(c.1) ‘**meeting**’ includes any regular, special, emergency or other meeting of a council, council committee, controlled corporation or other body, whether formal or informal”.

## New section 141.1

**3-14 The following section is added after section 141:****“Conflict of interest**

**141.1(1)** A member of council has a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interests or the private interests of a closely connected person.

(2) A financial interest as described in subsection 143(1) always constitutes a conflict of interest.

(3) Every member of council shall comply with any prescribed standards, procedures and rules in relation to a conflict of interest or a declaration of a conflict of interest.

(4) Nothing in this Part is to be interpreted as affecting any other rights given by, or the application of other requirements, duties or responsibilities imposed by, any other Act or law in relation to the matters covered by this Part.

(5) For the purposes of this section, the Lieutenant Governor in Council may make regulations respecting the standards, procedures and rules in relation to a conflict of interest”.

**New section 142**

**3-15 Section 142 is repealed and the following substituted:**

**“Public disclosure statement**

**142(1)** Subject to the regulations, every member of council shall, within 30 days after being elected, file a public disclosure statement with the administrator in the form provided by the council.

(2) A public disclosure statement required pursuant to subsection (1) must contain:

(a) the name of:

(i) every employer, person, corporation, organization, association or other body from which the member of council or someone in the member’s family receives remuneration for services performed as an employee, director, manager, operator, contractor or agent;

(ii) each corporation in which the member or someone in the member’s family has a controlling interest, or of which the member or someone in the member’s family is a director or a senior officer;

(iii) each partnership or firm of which the member of council or someone in the member’s family is a member; and

(iv) any corporation, enterprise, firm, partnership, organization, association or body that the member of council or someone in the member’s family directs, manages, operates or is otherwise involved in that:

(A) transacts business with the municipality;

(B) the council considers appropriate or necessary to disclose;  
or

(C) is prescribed;

(b) the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:

- (i) the member of council or someone in the member's family; or
- (ii) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which the member or someone in the member's family is a director or senior officer or in which the member or someone in the member's family has a controlling interest;

(c) the general nature and any material details of any contract or agreement involving the member of council or someone in the member's family that could reasonably be perceived to be affected by a decision, recommendation or action of the council and to affect the member's impartiality in the exercise of his or her office; and

(d) any other prescribed information or contents.

(3) Every member of council who has previously filed a public disclosure statement pursuant to subsection (1) shall annually submit a declaration that:

- (a) declares that no material change has occurred since the last public disclosure statement was filed pursuant to this section; or
- (b) details the material changes that have occurred since the last public disclosure statement was filed pursuant to this section.

(4) The annual declaration required pursuant to subsection (3) must be submitted on or before November 30 in each year.

(5) The administrator shall:

- (a) note any change reported pursuant to clause (3)(b) on the member's public disclosure statement and the date on which the change was noted;
- (b) make each public disclosure statement filed pursuant to subsection (1) and each declaration submitted pursuant to subsection (3) available for public inspection during normal business hours; and
- (c) if directed to do so by council, give copies of the statements to any designated officials.

(6) Notwithstanding subsection (3), a member of council is subject to an ongoing duty of disclosure and is, in any of the following circumstances, required to submit to the clerk within the stated period a written amendment to the member's public disclosure statement:

- (a) if the member declares a conflict of interest, as soon as is practicable after the declaration;
- (b) if there is a material change to the information detailed in the disclosure statement, within 30 days after the material change;
- (c) if there is a recognition by the member or another person of an error or omission, as soon as is practicable after the error or omission is recognized.

(7) The Lieutenant Governor in Council may make regulations prescribing information and other matters, conditions, exceptions and limitations respecting a public disclosure statement to be filed pursuant to this section”.

**Section 143 amended**

**3-16(1) Subsection 143(1) is amended:**

- (a) in the portion preceding clause (a) by striking out “pecuniary interest” and substituting “financial interest”;**
- (b) in clause (a) by striking out “pursuant to clause 81(a)”;** **and**
- (c) in clause (b) by striking out “pursuant to clause 81(a)”.**

**(2) Subsection 143(2) is amended in the portion preceding clause (a) by striking out “pecuniary interest” and substituting “financial interest”.**

**Section 144 amended**

**3-17(1) Subsections 144(1) to (3) are repealed and the following substituted:**

“(1) If a member of council has a conflict of interest in a matter before the council, a council committee, a controlled corporation or other body, the member shall, if present:

- (a) before any consideration or discussion of the matter, declare that he or she has a conflict of interest;
- (b) disclose the general nature of the conflict of interest and any material details that could reasonably be seen to affect the member’s impartiality in the exercise of his or her office;
- (c) abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;
- (d) subject to subsection (4), refrain from participating in any discussion relating to the matter; and
- (e) subject to subsections (3) and (4), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

“(2) No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member of council has a conflict of interest.

“(3) If the matter with respect to which a member of council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the member shall comply with clauses (1)(a) to (d), but it is not necessary for the member to leave the room”.

**(2) Subsection 144(4) is amended in the portion preceding clause (a) by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 144(5) is repealed and the following substituted:**

“(5) Every declaration of a conflict of interest made pursuant to subsection (1) and the general nature and material details of the disclosure and any abstention or withdrawal must be recorded in the minutes of the meeting.

“(6) On a declaration in accordance with clause (1)(a), the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the member of council”.

**New sections 144.1 and 144.2**

**3-18 The following sections are added after section 144:**

**“Absence from meeting and ongoing disclosure**

**144.1(1)** If a conflict of interest in a matter has not been disclosed as required by section 144 due to the absence of the member of council from the meeting mentioned in that section, the member shall:

- (a) disclose the conflict of interest at the next meeting of the council, council committee, controlled corporation or other body that the member attends; and
- (b) otherwise comply with the requirements of that section.

(2) A member of council who has disclosed a conflict of interest as required by subsection (1) shall:

- (a) declare and disclose the conflict of interest at every meeting of council, council committee, controlled corporation or other body at which the member is present and the matter is discussed or considered; and
- (b) comply with section 144.

**“Restrictions on influence and use of office**

**144.2** A member of council shall not use his or her office to seek to influence a decision made by another person to further the member of council’s private interests or the private interests of a closely connected person”.

**Section 146 amended**

**3-19(1) Subsection 146(1) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(2) Subsection 146(2) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 146(3) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(4) Subsection 146(5) is amended by striking out “pecuniary” and substituting “conflict of”.**



## Section 147 amended

**3-20(1) Subsection 147(1) is amended:**

- (a) by striking out “or” after clause (g); and**
- (b) by adding the following after clause (h):**

“(i) is determined to have made a false statement or declaration in the nomination paper filed in accordance with *The Local Government Election Act, 2015*; or

“(j) is removed from office by the Lieutenant Governor in Council or by the minister pursuant to section 399 or 402, as the case may be, unless the order directs that the person is not disqualified”.

**(2) Subsection 147(2) is repealed and the following substituted:**

“(2) A member of council who is disqualified pursuant to this section is not eligible to be nominated or elected in an election in any municipality until the earlier of:

- (a) 12 years following the date of the disqualification; and
- (b) the date of any pardon obtained with respect to a disqualification pursuant to a conviction pursuant to clause (1)(d)”.

## Section 148 amended

**3-21(1) Subsection 148(6) is amended:**

- (a) by striking out “or” after clause (b); and**
- (b) by adding the following after clause (b):**

“(b.1) declare the person eligible to be nominated in the next election; or”.

**(2) Subsection 148(7) is amended in the portion preceding clause (a) by striking out “pecuniary” and substituting “conflict of”.**

## Section 220 amended

**3-22 Subsection 220(3) is amended by striking out “pecuniary” and substituting “financial”.**

## Section 354 amended

**3-23 Clause 354(b) is amended by striking out “pursuant to clause 81(a)”.**

## Section 355 amended

**3-24(1) Subsection 355(1) is amended by striking out “pursuant to clause 81(a)” and substituting “by a council”.****(2) Clause 355(3)(a) is amended by striking out “pursuant to clause 81(a)” and substituting “by a council”.**

## Section 395 amended

**3-25(1) Subsection 395(1) is amended in the portion preceding clause (a) by striking out “pursuant to clause 81(a)”.****(2) Clause 395(4)(c) is amended by striking out “pursuant to clause 81(a)”.**

## Section 396 amended

**3-26(1) Subsection 396(1) is amended in the portion preceding clause (a) by striking out “pursuant to clause 81(a)”.**

**(2) Subsection 396(4) is amended by striking out “pursuant to clause 81(a)”.**

**(3) Subsection 396(5) is repealed and the following substituted:**

“(5) The results of the inspection must be reported to:

- (a) the minister;
- (b) the council;
- (c) if the inspection is with respect to a committee or other body established by the council, the committee or other body; and
- (d) if the inspection is with respect to a controlled corporation, the controlled corporation.

“(6) The minister may:

- (a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or
- (b) in consultation with the council, allow the council to disclose the information”.

## Section 397 amended

**3-27(1) Subsection 397(2) is amended:**

**(a) in clause (a) by striking out “pursuant to clause 81(a)”;** and

**(b) by repealing clause (b) and substituting the following:**

“(b) the conduct of a member of council, including conduct in relation to a conflict of interest pursuant to Part VII;

“(c) the conduct of an employee or agent of the municipality, a committee or other body established by the council or a controlled corporation”.

**(2) Subsections 397(4) and (5) are repealed and the following substituted:**

“(4) Any persons appointed to conduct an inquiry have the same powers, privileges and immunities conferred on a commission by sections 11, 15, 25 and 26 of *The Public Inquiries Act, 2013*.

“(5) The results of the inquiry must be reported to:

- (a) the minister;
- (b) the council;
- (c) if the inquiry is with respect to a committee or other body established by the council, the committee or other body;
- (d) if the inquiry is with respect to a controlled corporation, the controlled corporation; and
- (e) if the inquiry is with respect to a councillor or employee, the councillor or the employee.

“(6) The minister may:

- (a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or
- (b) in consultation with the council, allow the council to disclose the information”.

**Section 398 amended**

**3-28 Clause 398(a) is amended by striking out “pursuant to clause 81(a)”.**

**Section 399 amended**

**3-29(1) Subsection 399(1) is amended:**

- (a) by striking out “or” after clause (d);
- (b) by adding “or” after clause (e); and
- (c) by adding the following clause after clause (e):

“(f) an investigation, review, report or recommendation by or from the Ombudsman pursuant to *The Ombudsman Act, 2012*”.

**(2) Subsection 399(1.1) is repealed and the following substituted:**

“(1.1) The minister may, by order, direct the council, administrator or a designated officer of the municipality to take any action that the minister considers proper in the circumstances if the minister considers that summary action is necessary because of an official examination.

“(1.2) In an order made pursuant to subsection (1.1), the minister may suspend, censure or otherwise limit the powers and duties of all or any member of council, administrator or designated officer during the conduct of an official examination if the minister considers it in the public interest”.

**(3) The following subsection is added after subsection 399(2):**

“(2.1) The order mentioned in subsection (1.1) may include a direction to remove, repeal, alter, amend or rescind a bylaw, resolution or approval of the municipality or any fee or charge that is imposed by a municipality”.

**(4) Subsection 399(4) is amended by adding “suspension or” before “dismissal”.**

**(5) Subsections 399(5) and (6) are repealed and the following substituted:**

“(5) The minister may appoint a person or persons who shall have all the powers and duties of the council:

- (a) on the suspension of the council or one or more members of council if the remaining members do not constitute a quorum; and
- (b) on the dismissal of the council or one or more members of council if the remaining members do not constitute a quorum”.

**New section 400****3-30 Section 400 is repealed and the following substituted:****“Person appointed to supervise**

**400(1)** The minister may, at any time, appoint a person to supervise a municipality and its council.

(2) While the appointment of a person pursuant to this section continues:

(a) a bylaw or resolution that authorizes the municipality to incur a liability must be approved in writing by the person before it has any effect; and

(b) the person may, at any time within 60 days after the passing of any bylaw or resolution, disallow it.

(3) A bylaw or resolution disallowed pursuant to clause (2)(b) is deemed to have always been void”.

**Section 401 amended**

**3-31 Section 401 is amended by striking out** “to act as an official administrator for a municipality” **and substituting** “a person to act for a municipality in accordance with subsection 399(5) or section 400”.

**New sections 402 and 402.1****3-32 Section 402 is repealed and the following substituted:****“Dismissal and appointment of members of council**

**402(1)** If the Lieutenant Governor in Council considers it in the public interest to do so, the Lieutenant Governor in Council may, at any time, by order, do either of the following:

(a) remove the mayor, reeve or another member of council of a municipality without appointing a person to replace the person removed;

(b) remove the mayor, reeve or another member of council of a municipality and appoint a person to act as the mayor, reeve, councillor or all of the council for a municipality.

(2) A mayor, reeve or another member of council who is removed by order from office pursuant to subsection (1) immediately ceases to hold office on the making of the order.

(3) Every person appointed pursuant to this section:

(a) has the same powers and authority as those conferred by this Act on a person who is elected as a mayor, reeve or councillor, as the case may be; and

(b) is entitled to be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine by order.

(4) On the making of an order of the Lieutenant Governor in Council pursuant to this section, the minister, by order, shall:

- (a) appoint a returning officer;
- (b) fix a nomination period for the purpose of nominating candidates to fill the vacancies on the council;
- (c) specify the terms of office of the persons to be elected;
- (d) name a place for receiving nominations; and
- (e) notwithstanding *The Local Government Election Act, 2015* or any bylaw, resolution or regulations made pursuant to that Act, specify any other matter, direct any other thing or include any provision that:
  - (i) the minister considers appropriate to achieve the purposes of *The Local Government Election Act, 2015*;
  - (ii) ensures that the election is conducted in accordance with *The Local Government Election Act, 2015*; or
  - (iii) the minister considers advisable.

(5) If the date of the next general election is less than one year after the date of the order made by the Lieutenant Governor in Council pursuant to this section, a term specified pursuant to clause (4)(c) may extend past the date of that next general election.

(6) As part of the order issued pursuant to subsection (4), the minister may direct the council to take any action that the minister considers appropriate.

**“Power to dismiss and remove certain persons**

**402.1(1)** In this section, ‘**previous provisions**’ means sections 399 and 402 as they existed on the day before the coming into force of this section.

(2) Notwithstanding any other Act or law, if a person was dismissed from office as a member of council or was otherwise declared to have ceased to hold office pursuant to the previous provisions:

- (a) that person is immediately disqualified from council and section 147 applies, with any necessary modification, to that person; and
- (b) if the person was elected as a member of council before the coming into force of this section:
  - (i) the election of that person is deemed to be void;
  - (ii) on the coming into force of this section, that person ceases to hold office and his or her office is declared to be vacant; and
  - (iii) the Lieutenant Governor in Council and the minister may do any of the things mentioned in section 402, and that section applies, with any necessary modification, for the purposes of this section.

(3) Notwithstanding any other Act or law, no action or other proceeding lies or shall be commenced against any of the following based on any claim for loss or damage arising from the enactment or application of this section:

- (a) the Crown;
- (b) any member or former member of the Executive Council; or
- (c) any officer, director, employee or agent or former officer, director, employee or agent, of the Crown.

(4) Every claim for loss or damage resulting from the enactment or application of this section is extinguished”.

**Section 404 amended**

**3-33 Subclause 404(1)(a)(iii) is amended by striking out “pursuant to clause 81(a)”.**

**PART IV**

***The Northern Municipalities Act, 2010***

**S.S. 2010, c.N-5.2 amended**

**4-1** *The Northern Municipalities Act, 2010* is amended in the manner set forth in this Part.

**Section 2 amended**

**4-2 The following clause is added after clause 2(1)(pp):**

“(pp.1) ‘**private interest**’ does not include an interest in a decision:

- (i) that is of general public application; or
- (ii) that affects a person as one of a broad class of persons”.

**New sections 100 and 100.1**

**4-3 Section 100 is repealed and the following substituted:**

**“Council committees and bodies**

**100** A council may establish council committees and other bodies and define their functions.

**“Procedures at meetings**

**100.1(1)** Subject to the regulations, a council shall, by bylaw, establish general procedures to be followed in conducting business at council meetings.

(2) Without limiting the matters that may be addressed in a bylaw passed pursuant to subsection (1), the bylaw must include:

- (a) rules for the conduct of members of council;
- (b) rules regarding the confidentiality, transparency, openness and accessibility of documents and other matters to be discussed by or presented to the council;

- (c) rules respecting delegations, presentations and submissions;
- (d) the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places;
- (e) the procedures for calling a special meeting of the council pursuant to section 141;
- (f) rules and procedures respecting the closing of all or part of a meeting;
- (g) the procedure for appointing a person pursuant to section 105; and
- (h) any prescribed matter.

(3) A bylaw passed pursuant to subsection (1) may include any other matter specified by a council.

(4) A council shall give public notice of any bylaw that is to be introduced, amended, repealed or passed pursuant to subsection (1).

(5) A council shall ensure that all council committees, controlled corporations and other bodies established by the council have publicly available written procedures for conducting business at meetings.

(6) A council shall adopt or amend the bylaws as required by this section within 60 days after the coming into force of this section.

(7) The Lieutenant Governor in Council may make regulations respecting the required contents of a bylaw to be passed pursuant to this section”.

**Section 106 amended**

**4-4 Clause 106(e) is repealed and the following substituted:**

“(e) subject to the bylaws made pursuant to section 100.1, to keep in confidence matters discussed in private or to be discussed in private at a council or council committee meeting until discussed at a meeting held in public”.

**New sections 107.1 and 107.2**

**4-5 The following sections are added after section 107:**

**“Code of ethics**

**107.1(1)** A council shall, by bylaw, adopt a code of ethics that applies to all members of the council.

(2) The code of ethics must define the standards and values that the council expects members of council to comply with in their dealings with each other, employees of the municipality and the public.

(3) No member of council shall fail to comply with the municipality’s code of ethics.

(4) Compliance with the code of ethics does not relieve a member of council from complying with the other requirements of this Act.

- (5) The code of ethics adopted pursuant to subsection (1) must:
  - (a) include the prescribed model code of ethics;
  - (b) comply with any prescribed requirements regarding adoption, updating and public accessibility; and
  - (c) set out the process for dealing with contraventions of the code of ethics.
- (6) In addition to the matters set out in subsection (5), the code of ethics may include:
  - (a) codes of ethics for members of committees, controlled corporations and other bodies established by council who are not members of council;
  - (b) subject to the regulations, rules regarding the censure or suspension of a member of council who has contravened the code of ethics;
  - (c) policies, rules and guidelines regarding a member of council accepting gifts or other benefits in connection with that member's holding office; and
  - (d) any other statements of ethics and standards determined to be appropriate by the council.
- (7) The Lieutenant Governor in Council may make regulations prescribing:
  - (a) the model code of ethics;
  - (b) the period within which a code of ethics must be adopted by the council, including prescribing different dates for different municipalities or classes of municipalities;
  - (c) the form of a code of ethics adopted pursuant to this section and the manner of its adoption, updating and being made publicly accessible;
  - (d) rules or limitations regarding the censure or suspension of a member of council who has contravened a code of ethics adopted pursuant to this section;
  - (e) the public notice and public reporting required in relation to a code of ethics adopted pursuant to this section;
  - (f) any other matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this section.

**“Failure to adopt code of ethics**

**107.2** If a council fails to adopt a code of ethics in accordance with this Act and the regulations made pursuant to subsection 107.1(7), the prescribed model code of ethics is deemed to have been adopted by the council as the code of ethics pursuant to section 107.1 on the day after the date set by the regulations by which the code of ethics was required to be adopted by the council”.



**New section 108****4-6 Section 108 is repealed and the following substituted:****“Oath or affirmation**

**108(1)** Every member of council shall, before carrying out any power, duty or function of his or her office, take an official oath or affirmation in the prescribed form.

(2) The oath or affirmation mentioned in subsection (1) must include statements declaring that the member of council:

- (a) is qualified to hold the office to which he or she has been elected;
- (b) has not received and will not receive any payment or reward or promise of payment or reward for the exercise of any corrupt practice or other undue execution or influence of his or her office;
- (c) has read and understands the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council; and
- (d) promises to:
  - (i) perform the duties of office imposed by this and any other Act or law and by the council;
  - (ii) disclose any conflict of interest within the meaning of Part VII in accordance with this Act; and
  - (iii) comply with the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council.

(3) Every member of council holding office on the day before the coming into force of this section shall take the official oath or affirmation in the prescribed form within 30 days after council’s adoption or amendment of the code of ethics, rules of conduct and procedures applicable to the member’s office imposed by this and any other Act and by the council”.

**New section 127.1****4-7 The following section is added after section 127:****“Employee code of conduct**

**127.1(1)** A council shall cause to be established and made publicly available a code of conduct for employees of the municipality that includes conflict of interest rules.

- (2) The conflict of interest rules must:
- (a) set out the types of conduct that are prohibited, including rules prohibiting an employee from:
    - (i) using information that is obtained as a result of his or her employment and that is not available to the public to:
      - (A) further, or seek to further, his or her private interests or those of his or her family; or
      - (B) seek to improperly further another person's private interests; or
    - (ii) using his or her position to seek to influence a decision of another person so as to:
      - (A) further, or seek to further, his or her private interests or those of his or her family; or
      - (B) seek to improperly further another person's private interests; and
  - (b) specify the procedure an employee is to follow if the employee suspects that he or she may be in a conflict of interest and the procedure for resolving a conflict”.

**Section 133 amended**

**4-8 Subsection 133(1) is amended:**

**(a) by adding the following clause after clause (a):**

“(a.1) the official oaths or affirmations taken by members of council pursuant to section 108”; **and**

**(b) in clause (d) by striking out “pursuant to clause 100(a)”.**

**Section 138 amended**

**4-9 Subsection 138(3) is amended by striking out “pursuant to clause 100(a)”.**

**Section 144 amended**

**4-10 Subsection 144(1) is amended by striking out “pursuant to clause 100(a)”.**

**New heading to Part VII**

**4-11 The heading to Part VII is struck out and the following substituted:**

**“PART VII  
Conflicts of Interest of Members of Council”.**

**Section 159 amended**

**4-12 Section 159 is amended:**

**(a) by adding the following clause after clause (b):**

“(b.1) ‘**council, council committee, controlled corporation or other body**’ includes any committee or subcommittee of a committee, and any board, agency or commission, appeal board or other body, on which a member of council serves in his or her capacity as a member of council”;

**(b) by repealing clause (c) and substituting the following:**

“(c) ‘family’ means the spouse and dependent children of a member of council”; and

**(c) by adding the following clause after clause (c):**

“(c.1) ‘meeting’ includes any regular, special, emergency or other meeting of a council, council committee, controlled corporation or other body, whether formal or informal”.

**New section 159.1**

**4-13 The following section is added after section 159:**

**“Conflict of interest**

**159.1(1)** A member of council has a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interests or the private interests of a closely connected person.

(2) A financial interest as described in subsection 161(1) always constitutes a conflict of interest.

(3) Every member of council shall comply with any prescribed standards, procedures and rules in relation to a conflict of interest or a declaration of a conflict of interest.

(4) Nothing in this Part is to be interpreted as affecting any other rights given by, or the application of other requirements, duties or responsibilities imposed by, any other Act or law in relation to the matters covered by this Part.

(5) For the purposes of this section, the Lieutenant Governor in Council may make regulations respecting the standards, procedures and rules in relation to a conflict of interest”.

**New section 160**

**4-14 Section 160 is repealed and the following substituted:**

**“Public disclosure statement**

**160(1)** Subject to the regulations, every member of council shall, within 30 days after being elected, file a public disclosure statement with the administrator in the form provided by the council.

(2) A public disclosure statement required pursuant to subsection (1) must contain:

(a) the name of:

(i) every employer, person, corporation, organization, association or other body from which the member of council or someone in the member’s family receives remuneration for services performed as an employee, director, manager, operator, contractor or agent;

- (ii) each corporation in which the member or someone in the member's family has a controlling interest, or of which the member or someone in the member's family is a director or a senior officer;
    - (iii) each partnership or firm of which the member of council or someone in the member's family is a member; and
    - (iv) any corporation, enterprise, firm, partnership, organization, association or body that the member of council or someone in the member's family directs, manages, operates or is otherwise involved in that:
      - (A) transacts business with the municipality;
      - (B) the council considers necessary or appropriate to disclose; or
      - (C) is prescribed;
  - (b) the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:
    - (i) the member of council or someone in the member's family; or
    - (ii) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which the member or someone in the member's family is a director or senior officer or in which the member or someone in the member's family has a controlling interest;
  - (c) the general nature and any material details of any contract or agreement involving the member of council or someone in the member's family that could reasonably be perceived to be affected by a decision, recommendation or action of the council and to affect the member's impartiality in the exercise of his or her office; and
  - (d) any other prescribed information or contents.
- (3) Every member of council who has previously filed a public disclosure statement pursuant to subsection (1) shall annually submit a declaration that:
- (a) declares that no material change has occurred since the last public disclosure statement was filed pursuant to this section; or
  - (b) details the material changes that have occurred since the last public disclosure statement was filed pursuant to this section.
- (4) The annual declaration required pursuant to subsection (3) must be submitted on or before November 30 in each year.
- (5) The administrator shall:
- (a) note any change reported pursuant to clause (3)(b) on the member's public disclosure statement and the date on which the change was noted;

(b) make each public disclosure statement filed pursuant to subsection (1) and each declaration submitted pursuant to subsection (3) available for public inspection during normal business hours; and

(c) if directed to do so by council, give copies of the statements to any designated officials.

(6) Notwithstanding subsection (3), a member of council is subject to an ongoing duty of disclosure and is, in any of the following circumstances, required to submit to the administrator within the stated period a written amendment to the member's public disclosure statement:

(a) if the member declares a conflict of interest, as soon as is practicable after the declaration;

(b) if there is a material change to the information detailed in the disclosure statement, within 30 days after the material change;

(c) if there is a recognition by the member or another person of an error or omission, as soon as is practicable after the error or omission is recognized.

(7) The Lieutenant Governor in Council may make regulations prescribing information and other matters, conditions, exceptions and limitations respecting a public disclosure statement to be filed pursuant to this section".

**Section 161 amended**

**4-15(1) Subsection 161(1) is amended in the portion preceding clause (a) by striking out "pecuniary interest" and substituting "financial interest".**

**(2) Clause 161(1)(a) is amended by striking out "pursuant to clause 100(a)".**

**(3) Subsection 161(2) is amended in the portion preceding clause (a) by striking out "pecuniary interest" and substituting "financial interest".**

**Section 162 amended**

**4-16(1) Subsections 162(1) to (3) are repealed and the following substituted:**

"(1) If a member of council has a conflict of interest in a matter before the council, a council committee, a controlled corporation or other body, the member shall, if present:

(a) before any consideration or discussion of the matter, declare that he or she has a conflict of interest;

(b) disclose the general nature of the conflict of interest and any material details that could reasonably be perceived to affect the member's impartiality in the exercise of his or her office;

(c) abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;

(d) subject to subsection (4), refrain from participating in any discussion relating to the matter; and

(e) subject to subsections (3) and (4), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

“(2) No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member of council has a conflict of interest.

“(3) If the matter with respect to which a member of council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the member shall comply with clauses (1)(a) to (d), but it is not necessary for the member to leave the room”.

**(2) Subsection 162(4) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 162(5) is repealed and the following substituted:**

“(5) Every declaration of a conflict of interest made pursuant to subsection (1) and the general nature and material details of the declaration and any abstention or withdrawal must be recorded in the minutes of the meeting.

“(6) On a declaration in accordance with clause (1)(a), the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the member of council”.

**New sections 162.1 and 162.2**

**4-17 The following sections are added after section 162:**

**“Absence from meeting and ongoing disclosure**

**162.1(1)** If a conflict of interest in a matter has not been disclosed as required by section 162 due to the absence of the member of council from the meeting mentioned in that section, the member shall:

- (a) disclose the conflict of interest at the next meeting of the council, council committee, controlled corporation or other body that the member attends; and
- (b) otherwise comply with the requirements of that section.

(2) A member of council who has disclosed a conflict of interest as required by subsection (1) shall:

- (a) declare and disclose the conflict of interest at every meeting of the council, council committee, controlled corporation or other body at which the member is present and the matter is discussed or considered; and
- (b) comply with section 162.

**“Restrictions on influence and use of office**

**162.2** A member of council shall not use his or her office to seek to influence a decision made by another person to further the member of council’s private interests or the private interests of a closely connected person”.

## Section 164 amended

**4-18(1) Subsection 164(1) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(2) Subsection 164(2) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(3) Subsection 164(3) is amended by striking out “pecuniary” and substituting “conflict of”.**

**(4) Subsection 164(5) is amended by striking out “pecuniary” and substituting “conflict of”.**

## Section 165 amended

**4-19(1) Subsection 165(1) is amended:**

**(a) by striking out “or” after clause (e);**

**(b) by adding “or” after clause (f); and**

**(c) by adding the following clause after clause (f):**

“(g) is removed from office by the minister or by the Lieutenant Governor in Council pursuant to section 420 or 424, as the case may be, unless the order directs that the person is not disqualified”.

**(2) Subsection 165(2) is repealed and the following substituted:**

“(2) A member of council who is disqualified from council pursuant to this section is not eligible to be nominated or elected in an election in any municipality until the earlier of:

(a) 12 years following the date of the disqualification; and

(b) the date of any pardon obtained with respect to a disqualification pursuant to a conviction pursuant to clause (1)(d)”.

## Section 166 amended

**4-20(1) Subsection 166(8) is amended:**

**(a) by striking out “or” after clause (b); and**

**(b) by adding the following after clause (b):**

“(b.1) declare the person eligible to be nominated in the next election; or”.

**(2) Subsection 166(9) is amended in the portion preceding clause (a) by striking out “pecuniary” and substituting “conflict of”.**

## Section 241 amended

**4-21 Subsection 241(3) is amended by striking out “pecuniary” and substituting “financial”.**

## Section 374 amended

**4-22 Clause 374(b) is amended by striking out “pursuant to clause 100(a)”.**

**Section 375 amended**

**4-23(1) Subsection 375(1) is amended by striking out “pursuant to clause 100(a)” and substituting “by a council”.**

**(2) Clause 375(3)(a) is amended by striking out “pursuant to clause 100(a)” and substituting “by a council”.**

**Section 378 amended**

**4-24(1) Subsection 378(1) is amended:**

**(a) in the portion preceding clause (a) by adding “, any owner or occupant of property, any business within the municipality or the minister” after “municipality”; and**

**(b) by repealing clause (a) and substituting the following:**

“(a) the bylaw or resolution is illegal in substance or form”.

**(2) Subsection 378(2) is amended by striking out “60 days” and substituting “six months”.**

**Section 416 amended**

**4-25(1) Subsection 416(1) is amended:**

**(a) in the portion preceding clause (a) by striking out “pursuant to clause 100(a)”;**

**(b) by adding “or” after clause (a);**

**(c) by striking out “or” after clause (b); and**

**(d) by repealing clause (c).**

**(2) Clause 416(4)(c) is amended by striking out “pursuant to clause 100(a)”.**

**Section 417 amended**

**4-26(1) Subsection 417(1) is amended in the portion preceding clause (a) by striking out “pursuant to clause 100(a)”.**

**(2) Subsections 417(4) is amended by striking out “pursuant to clause 100(a)”.**

**(3) Subsections 417(5) and (6) are repealed and the following substituted:**

“(5) The results of the inspection must be reported to:

(a) the minister;

(b) the council;

(c) if the inspection is with respect to a committee or other body established by the council, the committee or other body; and

(d) if the inspection is with respect to a controlled corporation, the controlled corporation.



“(6) The minister may:

- (a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or
- (b) in consultation with the council, allow the council to disclose the information”.

Section 418 amended

**4-27(1) Subsection 418(1) is amended:**

- (a) by adding “or” after clause (a);**
- (b) by striking out “or” after clause (b); and**
- (c) by repealing clause (c).**

**(2) Subsection 418(2) is amended:**

- (a) in clause (a) by striking out “pursuant to clause 100(a)”;** **and**
- (b) by repealing clause (b) and substituting the following:**

“(b) the conduct of a member of council, including conduct in relation to a conflict of interest pursuant to Part VII;

“(c) the conduct of an employee or agent of the municipality, a committee or other body established by the council or a controlled corporation”.

**(3) Subsections 418(4) and (5) are repealed and the following substituted:**

“(4) Any persons appointed to conduct an inquiry have the same powers, privileges and immunities conferred on a commission by sections 11, 15, 25 and 26 of *The Public Inquiries Act, 2013*.

“(5) The results of the inquiry must be reported to:

- (a) the minister;
- (b) the council;
- (c) if the inquiry is with respect to a committee or other body established by the council, the committee or other body;
- (d) if the inquiry is with respect to a controlled corporation, the controlled corporation;
- (e) if the inquiry is with respect to a municipal development corporation, the municipal development corporation;
- (f) if the inquiry is with respect to a public utility board, the public utility board;
- (g) if the inquiry is with respect to a service district, the service district; and
- (h) if the inquiry is with respect to a councillor, employee or agent, the councillor, employee or agent.

“(6) The minister may:

- (a) disclose any information or report provided pursuant to subsection (5) in the form and manner that the minister considers appropriate; or
- (b) in consultation with the council, allow the council to disclose the information”.

**Section 419 amended**

**4-28 Clause 419(a) is amended by striking out “pursuant to clause 100(a)”.**

**Section 420 amended**

**4-29(1) Subsection 420(1) is repealed and the following substituted:**

“(1) In this section, ‘**official examination**’ means:

- (a) an audit pursuant to section 416;
- (b) an inspection pursuant to section 417;
- (c) an inquiry pursuant to section 418; or
- (d) an investigation, review, report or recommendation by or from the Ombudsman pursuant to *The Ombudsman Act, 2012*.

“(1.1) The minister may, by order, direct the council, administrator or a designated officer of the municipality to take any action that the minister considers proper in the circumstances if the minister considers that summary action is necessary because of an official examination.

“(1.2) In an order made pursuant to subsection (1.1), the minister may suspend, censure or otherwise limit the powers and duties of all members or any member of council, the administrator or any designated officer of the municipality during the conduct of an audit, inquiry or inspection”.

**(2) The following subsection is added after subsection 420(2):**

“(2.1) The order mentioned in subsection (2) may include a direction to remove, repeal, alter, amend or rescind a bylaw, resolution or approval of the municipality or any fee or charge that is imposed by a municipality”.

**(3) Subsection 420(4) is amended by adding “suspension or” before “dismissal”.**

**(4) Subsections 420(5) and (6) are repealed and the following substituted:**

“(5) The minister may appoint a person or persons who shall have all the powers and duties of the council:

- (a) on the suspension of the council or one or more members of council if the remaining members do not constitute a quorum; and
- (b) on the dismissal of the council or one or more members of council if the remaining members do not constitute a quorum”.

**New section 422****4-30 Section 422 is repealed and the following substituted:****“Person appointed to supervise**

**422(1)** The minister may, at any time, appoint a person to supervise a municipality and its council.

(2) While the appointment of a person pursuant to this section continues:

(a) a bylaw or resolution that authorizes the municipality to incur a liability must be approved in writing by the person before it has any effect; and

(b) the person may, at any time within 60 days after the passing of any bylaw or resolution, disallow it.

(3) A bylaw or resolution disallowed pursuant to clause (2)(b) is deemed to have always been void”.

**Section 423 amended**

**4-31 Section 423 is amended by striking out** “to act as an official administrator or co-manager for a municipality” **and substituting** “a person to act for a municipality in accordance with subsection 420(5) or section 422”.

**New section 424****4-32 Section 424 is repealed and the following substituted:****“Dismissal and appointment of members of council**

**424(1)** If the Lieutenant Governor in Council considers it in the public interest to do so, the Lieutenant Governor in Council may, at any time, by order, do either of the following:

(a) remove the mayor or another member of council of a municipality without appointing a person to replace the person removed;

(b) remove the mayor or another member of council of a municipality and appoint a person to act as the mayor, councillor or all of the council for a municipality.

(2) A mayor or another member of council who is removed by order from office pursuant to subsection (1) immediately ceases to hold office on the making of the order.

(3) Every person appointed pursuant to this section:

(a) has the same powers and authority as those conferred by this Act on a person who is elected as a mayor or councillor, as the case may be; and

(b) is entitled to be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine by order.

(4) On the making of an order of the Lieutenant Governor in Council pursuant to this section, the minister, by order, shall:

(a) appoint a returning officer;

(b) fix a nomination period for the purpose of nominating candidates to fill the vacancies on the council;

- (c) specify the terms of office of the persons to be elected;
- (d) name a place for receiving nominations; and
- (e) notwithstanding *The Local Government Election Act, 2015* or any bylaw, resolution or regulations made pursuant to that Act, specify any other matter, direct any other thing or include any provision that:
  - (i) the minister considers appropriate to achieve the purposes of *The Local Government Election Act, 2015*;
  - (ii) ensures that the election is conducted in accordance with *The Local Government Election Act, 2015*; or
  - (iii) the minister considers advisable.
- (5) If the date of the next general election is less than one year after the date of the order made by the Lieutenant Governor in Council pursuant to this section, a term specified pursuant to clause (4)(c) may extend past the date of that next general election.
- (6) As part of the order issued pursuant to subsection (4), the minister may direct the council to take any action that the minister considers appropriate”.

**New section 424.1**

**4-33 The following section is added after section 424:**

**“Power to dismiss and remove certain persons**

**424.1(1)** In this section, ‘**previous provisions**’ means sections 420 and 424 as they existed on the day before the coming into force of this section.

(2) Notwithstanding any other Act or law, if a person was dismissed from office as a member of council or was otherwise declared to have ceased to hold office pursuant to the previous provisions:

- (a) that person is disqualified from council and section 165 applies, with any necessary modification, to that person; and
- (b) if the person was elected as a member of council before the coming into force of this section:
  - (i) the election of that person is deemed to be void;
  - (ii) on the coming into force of this section, that person ceases to hold office and his or her office is declared to be vacant; and
  - (iii) the Lieutenant Governor in Council and the minister may do any of the things mentioned in section 424, and that section applies, with any necessary modification, for the purposes of this section.

(3) Notwithstanding any other Act or law, no action or other proceeding lies or shall be commenced against any of the following based on any claim for loss or damage arising from the enactment or application of this section:

- (a) the Crown;

(b) any member or former member of the Executive Council; or

(c) any officer, director, employee or agent or former officer, director, employee or agent, of the Crown.

(4) Every claim for loss or damage resulting from the enactment or application of this section is extinguished”.

**Section 440 amended**

**4-34 Subclause 440(1)(a)(iii) is amended by striking out “pursuant to clause 100(a)”.**

**PART V**

**Related and Consequential Amendments**

**S.S. 2012, c.O-3.2 amended**

**5-1(1)** *The Ombudsman Act, 2012* is amended in the manner set forth in this section.

**(2) Section 2 is amended:**

**(a) by adding the following clauses after clause (b):**

“(b.01) **‘chief officer’** means the mayor or reeve of a municipality;

“(b.02) **‘council member’** means any member of a council, including the mayor or reeve, council committee, controlled corporation or other body established by a council as defined in *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*”; **and**

**(b) by adding the following clause after clause (d):**

“(d.1) **‘municipal entity’** means:

(i) a city as defined in *The Cities Act*;

(ii) a municipality as defined in *The Municipalities Act*;

(iii) a municipality as defined in *The Northern Municipalities Act, 2010*;

(iv) a council, council committee, controlled corporation or other body established by a council as defined in *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*”.

**(3) Subsection 14(2) is amended:**

**(a) in subclause (a)(i) by adding “a municipal entity, any council member,” after “a publicly-funded health entity,”; and**

**(b) by repealing subclause (b)(i) and substituting:**

“(i) was done or omitted to be done in or by any of the following in the exercise of any power, duty or function conferred or imposed on them by any Act:

- (A) a ministry;
- (B) an agency of the government;
- (C) a publicly-funded health entity;
- (D) a municipal entity;
- (E) a council member, including any matter with respect to that member respecting a conflict of interest or alleged contravention of a code of ethics;
- (F) a board member;
- (G) any officer or employee of the Government”.

**(4) Subsection 16(3) is repealed and the following substituted:**

“(3) The Lieutenant Governor in Council may refer to the Ombudsman for investigation and report any matter relating to any ministry, any agency of the government, any publicly-funded health entity, any municipal entity, a council member, a board member or any officer, employee or member of the Government”.

**(5) Clause 17(c) is amended by adding “municipal entity, council member,” after “publicly-funded health entity.”**

**(6) Section 23 is repealed and the following substituted:**

**“Notice to investigate**

**23(1)** Before investigating any matter pursuant to this Act, the Ombudsman shall notify the following of the Ombudsman’s intention to make the investigation:

- (a) in the case of a ministry, the deputy minister of the affected ministry;
- (b) in the case of an agency of the government or a publicly-funded health entity, the administrative or executive head of the affected agency of the government or publicly-funded health entity;
- (c) in the case of a municipal entity:
  - (i) if the matter is related to a municipal entity mentioned in subclause 2(d.1)(i), (ii) or (iii), the administrative or executive head of the affected municipal entity;
  - (ii) if the matter is related to a municipal entity mentioned in subclause 2(d.1)(iv) or to a council member other than the chief officer, the chief officer of the affected municipal entity; or

(iii) if the matter is related to a chief officer, the minister to whom for the time being the administration of *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case may be, is assigned.

(2) The notice must:

(a) be in writing; and

(b) set out the nature of the complaint, if any, received by the Ombudsman.

(3) At any time during or after an investigation, the Ombudsman may consult with the minister, or in the case of an investigation concerning a municipal entity, the chief officer who is concerned in the matter of the investigation.

(4) On the request of the minister responsible for the ministry or agency of the government or if an investigation relates to any recommendation made to a minister, the Ombudsman shall consult with that minister after making the investigation and before forming a final opinion on any matter mentioned in section 27.

(5) On the request of the administrative or executive head of a publicly-funded health entity, the Ombudsman shall consult with that administrative or executive head after making the investigation and before forming a final opinion on any matter mentioned in section 27.

(6) On the request of the chief officer of a municipal entity or if an investigation relates to any recommendation made to a municipal entity mentioned in subclause 2(d.1)(iv), the Ombudsman shall consult with that chief officer after making the investigation and before forming a final opinion on any matter mentioned in section 27.

(7) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of breach of duty or misconduct on the part of any officer or employee of any ministry or agency of the government, the Ombudsman:

(a) shall refer the matter to the minister responsible for the ministry or agency of the government; and

(b) following the referral mentioned in clause (a), may continue with any ongoing investigation.

(8) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of breach of duty or misconduct on the part of any officer or employee of any publicly-funded health entity or municipal entity, the Ombudsman:

(a) shall refer the matter to the administrative or executive head of the publicly-funded health entity or the chief officer of the municipal entity; and

(b) following the referral mentioned in clause (a), may continue with any ongoing investigation.

(9) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of breach of duty or misconduct on the part of any council member, other than the chief officer, of any municipal entity, the Ombudsman:

- (a) shall refer the matter to the chief officer of the municipal entity; and
- (b) following the referral mentioned in clause (a), may continue with any ongoing investigation”.

**(7) Section 24 is amended:**

**(a) by repealing subsection (4) and substituting the following:**

“(4) Notwithstanding subsection (3), if at any time it appears to the Ombudsman that there are sufficient grounds for making a report or recommendation with respect to any matter that may adversely affect any ministry, agency of the government, publicly-funded health entity, municipal entity, council member or person, the Ombudsman shall give that ministry, agency of the government, publicly-funded health entity, municipal entity, council member or person an opportunity to make representations with respect to the matter”; **and**

**(b) in subsection (5) by adding “, municipal entity, council member” after “publicly-funded health entity”.**

**(8) Section 25 is amended:**

**(a) by repealing clauses (2)(a) and (b) and substituting the following:**

“(a) the person mentioned in that subsection is an officer or employee of a ministry, agency of the government, publicly-funded health entity or municipal entity or a council member or a board member; and

“(b) the document, paper or thing is in the custody or under the control of a ministry, agency of the government, publicly-funded health entity or municipal entity”; **and**

**(b) by repealing clause (4)(a) and substituting the following:**

“(a) any person who:

(i) is an officer, employee or member of any ministry, agency of the government, publicly-funded health entity or municipal entity or a council member or a board member; and

(ii) in the opinion of the Ombudsman, may be able to give any information relating to any matter being investigated pursuant to this Act”.

**(9) Clause 27(2)(a) is repealed and the following substituted:**

“(a) shall report the opinion and the reasons for it to the appropriate minister and to the relevant ministry, agency of the government, publicly-funded health entity or municipal entity”.



**(10) Section 28 is amended:****(a) by repealing subsection (1) and substituting the following:**

“(1) If the Ombudsman makes a recommendation pursuant to section 27, the Ombudsman may request the ministry, agency of the government, publicly-funded health entity or municipal entity to provide notice within a specified time of the steps that it has taken or proposes to take to give effect to the recommendation”; and

**(b) by repealing clause (2)(a) and substituting the following:**

“(a) after considering the comments, if any, made by or on behalf of the ministry, agency of the government, publicly-funded health entity or municipal entity affected, submit a report of the matter, including a copy of the report containing the recommendation, to the Lieutenant Governor in Council”.

**(11) Section 32 is amended:****(a) by repealing clause (1)(a) and substituting the following:**

“(a) at any time enter on the premises occupied by any ministry, agency of the government, publicly-funded health entity or municipal entity”; and

**(b) by repealing subsection (2) and substituting the following:**

“(2) Before entering on any premises pursuant to subsection (1), the Ombudsman shall notify the deputy minister or administrative or executive head of the ministry, agency of the government, publicly-funded health entity or municipal entity that occupies the premises of the intention to conduct an investigation pursuant to this Act and to enter the premises”.

**(12) Section 34 is repealed and the following substituted:****“Voluntary provision of information to Ombudsman**

**34** At the request of the Ombudsman, a ministry, agency of the government, publicly-funded health entity or municipal entity may provide information in its possession, custody or control respecting any person who is receiving services from or dealing with the ministry, agency of the government, publicly-funded health entity or municipal entity to the Ombudsman if it is satisfied that providing the information will assist the Ombudsman in fulfilling any of the Ombudsman’s duties or in exercising any of the Ombudsman’s powers pursuant to this Act”.

**(13) Subsection 38(3) is repealed and the following substituted:**

“(3) The Ombudsman may, from time to time in the public interest or in the interest of any person, ministry, agency of the government, publicly-funded health entity or municipal entity, publish reports respecting any of the following matters, whether or not those matters have been the subject of a report to the Legislative Assembly:

(a) the exercise of his or her powers and the performance of his or her duties pursuant to this Act;

(b) any particular case that he or she has investigated”.

**(14) Section 39 is amended:****(a) in subsection (1):****(i) by striking out the portion preceding clause (a) and substituting the following:**

“On the recommendation of the Ombudsman pursuant to subsection 27(3), a ministry, agency of the government, publicly-funded health entity or municipal entity may:”; **and**

**(ii) in clause (a) by adding “municipal entity, council member,” after “publicly-funded health entity;”; and****(b) by repealing clause (3)(b) and substituting the following:**

“(b) no proceeding or decision of the ministry, agency of the government, publicly-funded health entity or municipal entity whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question”.

S.S. 2007, c.P-13.2 amended

**5-2(1)** *The Planning and Development Act, 2007* is amended in the manner set forth in this section.

**(2) Section 2 is amended:****(a) in subsection (1):****(i) by adding the following clause after clause (d):**

“(d.1) ‘**conflict of interest**’ means a conflict of interest within the meaning of Part VII of *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010*, as the case may be”;

**(ii) by adding the following clause after clause (q):**

“(q.1) ‘**financial interest**’ means a financial interest within the meaning of *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010*, as the case may be”; **and**

**(iii) by adding the following clause after clause (t):**

“(t.1) ‘**infrastructure**’ means all municipally owned sewer, water, drainage and other utility services, public highway facilities, park and recreation space facilities and any other buildings or facilities used for municipal operations”; **and**

**(b) by repealing subsection (2) and substituting the following:**

“(2) The provisions of *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010* with respect to conflict of interest and financial interests apply, with any necessary modification, to a member of a Development Appeals Board, a municipal planning commission, a district planning commission, a district planning authority, a northern planning commission or a northern planning authority”.

**(3) The following section is added after section 30.1:**

**“Infrastructure plan required**

**30.2** In conjunction with the adoption of an official community plan, if the minister considers it appropriate to do so, the minister may require the council to, by separate bylaw, adopt and submit to the minister a five-year infrastructure plan that considers the capital, operating, maintenance and replacement cost of all municipal infrastructure affected by the official community plan”.

**(4) The following subsection is added after subsection 39(2):**

“(3) If the minister considers it appropriate or necessary, an amendment to an official community plan submitted to the minister for the minister’s decision must be accompanied by a cost-benefit analysis that demonstrates that the municipality has considered the following:

- (a) the provision of services to the area affected by the amendment;
- (b) the financial impacts to the municipality and its ratepayers;
- (c) the economic impacts to the municipality and surrounding region;
- (d) the environmental impacts to the municipality and surrounding region;
- (e) the social impacts to the municipality and surrounding region; and
- (f) any other impacts on surrounding communities”.

**(5) Subsection 44(1) is repealed and the following substituted:**

“(1) If a municipality has an approved official community plan, a council may, as an amendment to its official community plan, adopt a concept plan by bylaw in accordance with section 39 for the purpose of providing a framework for subsequent subdivision and development of an area of land”.

## PART VI

### Coming into force

**Coming into force**

**6-1(1)** Subject to subsection (2), this Act comes into force on assent.

(2) Sections 2-5, 2-6, 3-5, 3-6, 4-5 and 4-6 come into force on proclamation.

