

Summary of Recommendations

1. *Statement of Purpose:* The statement of purpose set out in Section 2 of the *Municipal Act, 2001* should be expanded to include the broader powers set out in Bill 53, supporting the freedom of municipalities to govern within their jurisdiction.
2. *Scope of Jurisdiction:* The specific spheres of jurisdiction set out in Section 11 of the existing legislation should be replaced with broader subject areas as provided in Bill 53. The exclusivity of upper and lower tiers in certain areas would, however, be retained. Furthermore, municipalities should be given the specific power to regulate in the areas of health, safety and environmental matters.
3. *General Restrictions:* The creation of a broader scope of authority, subject to restriction by regulation, is preferable to the current regime whereby specific powers are granted by regulation. This shift in philosophy should be reflected in the *Municipal Act, 2001*.
4. *Delegation of Powers and Duties:* The powers of delegation in Bill 53 should be made applicable to all municipalities, although such powers may not be extensively used.
5. *Provincial Regulatory Powers:* The power retained by the Province to protect the “provincial interest” is too extensive and will potentially create uncertainty. It would be preferable for the Province to identify criteria for determining a provincial interest and limit the scope of its regulatory power.
6. *Municipal Service Boards:* The enhanced flexibility in Bill 53 for municipalities to create boards should be included in the *Municipal Act, 2001*. These boards allow Councils to provide for responsible governance of specific matters and should extend to all activities under municipal jurisdiction.
7. *Licensing:* The procedural aspects and the greater flexibility for cost recovery are recommended for inclusion in the *Municipal Act, 2001*, particularly in so far as they apply to the Region’s Lodging House By-law. There is no objection in principle to the suspension of a licence without a hearing but this may not necessarily be implemented for lodging house licences.

8. *Policies and Procedures:* The elimination of highly prescriptive requirements for municipal policies is a positive trend and supports the notion of municipalities as self-governing and accountable. The need for a policy on accountability measures is acceptable, provided that municipalities are given the flexibility to design policies appropriate to their own constituents.
9. *Accountability and Transparency:* The requirement for appointment of an Integrity Commissioner and Ombudsman and the requirement for a lobbyist registry should be discretionary rather than mandatory for other municipalities.
10. *Procedural Issues:* It is recommended that the in camera provisions of the *Municipal Act, 2001* be extended to include categories of information which are currently protected by MFIPPA. It would also be beneficial to broaden Council's ability to consider commercially sensitive information on strategic issues, which may be independent of RFP processes. Electronic participation in meetings should be supported.
11. *Notice Requirements:* It is recommended that the flexibility given to Toronto to determine notice requirements should be extended to all municipalities.
12. *By-law Enforcement:* It is recommended that the *Municipal Act, 2001* be amended to include a power to impose administrative penalties for the enforcement of parking or licensing by-laws, subject to provision of the right to a hearing.
13. *Retail Business Holidays Act:* It is recommended that the exemption granted to Toronto be extended to the Region. The criteria which the Region may use to grant exemptions are limited by regulation. Accordingly, Regional Council does not always have the ability to grant an exemption to a business even if doing so might be in the best economic interests of the Region.
14. *New Direct Taxes* The creation of a broader scope of taxing authority, subject to restriction by regulation, does represent a positive paradigm shift. It could potentially provide new sources of revenue for the Region and its inclusion in the *Municipal Act, 2001* is supported.
15. *Traditional Municipal Taxation:* The enhanced flexibility of Bill 53 for writing off taxes that are deemed uncollectible, determining the method of tax roll certification and setting minimum tax amounts should be included in the *Municipal Act, 2001*.

16. *Special Area Taxation:* The Region strongly recommends that the Province amend the *Municipal Act, 2001* to expand the powers of all municipalities to determine those services that require the use of special levies for sufficient cost-recovery, reflective of the broad permissive powers proposed for the City.
17. *Fees and Charges:* It is recommended that the enhanced flexibility of the provisions for fees and charges be included in the *Municipal Act, 2001*. The ability to use expanded powers to impose fees and charges will result in an additional revenue stream to pay for costs which are currently recovered largely by property taxes, effectively alleviating some of the pressure on property taxation.
18. *Natural Person Powers:* The enhanced flexibility of the natural person powers in Bill 53 should be extended to all municipalities.
19. *Financial Administration:* The flexibility in Bill 53 with respect to financial administration including multi-year budget provisions and the elimination of the requirement to have municipal performance measures reviewed and audited should be made applicable to all municipalities.
20. *Debt and Investment Instruments:* The additional tools made available through Bill 53 for debt and investment instruments and the ability of the City to set its own limit on annual debt servicing should be extended to all municipalities.
21. *Economic Development Assistance:* The extended powers granted to the City for economic development assistance should be made applicable to all municipalities.
22. *Tax Increment Financing:* The provision for the potential use of revenue bonds should be included in the *Municipal Act, 2001*.
23. *Service Migration:* It is recommended that assumption of a service from a single area municipality should be subject only to the approval of the area Council and Regional Council. It is further recommended that the ability of the Region to assume local infrastructure where required for Regional service planning be reinstated.
24. *Geographic Limitations:* It is recommended that the power of entry on highways for water purposes be extended to other Regional infrastructure.