

**RESTRUCTURING LOCAL GOVERNMENT
IN OTTAWA-CARLETON**

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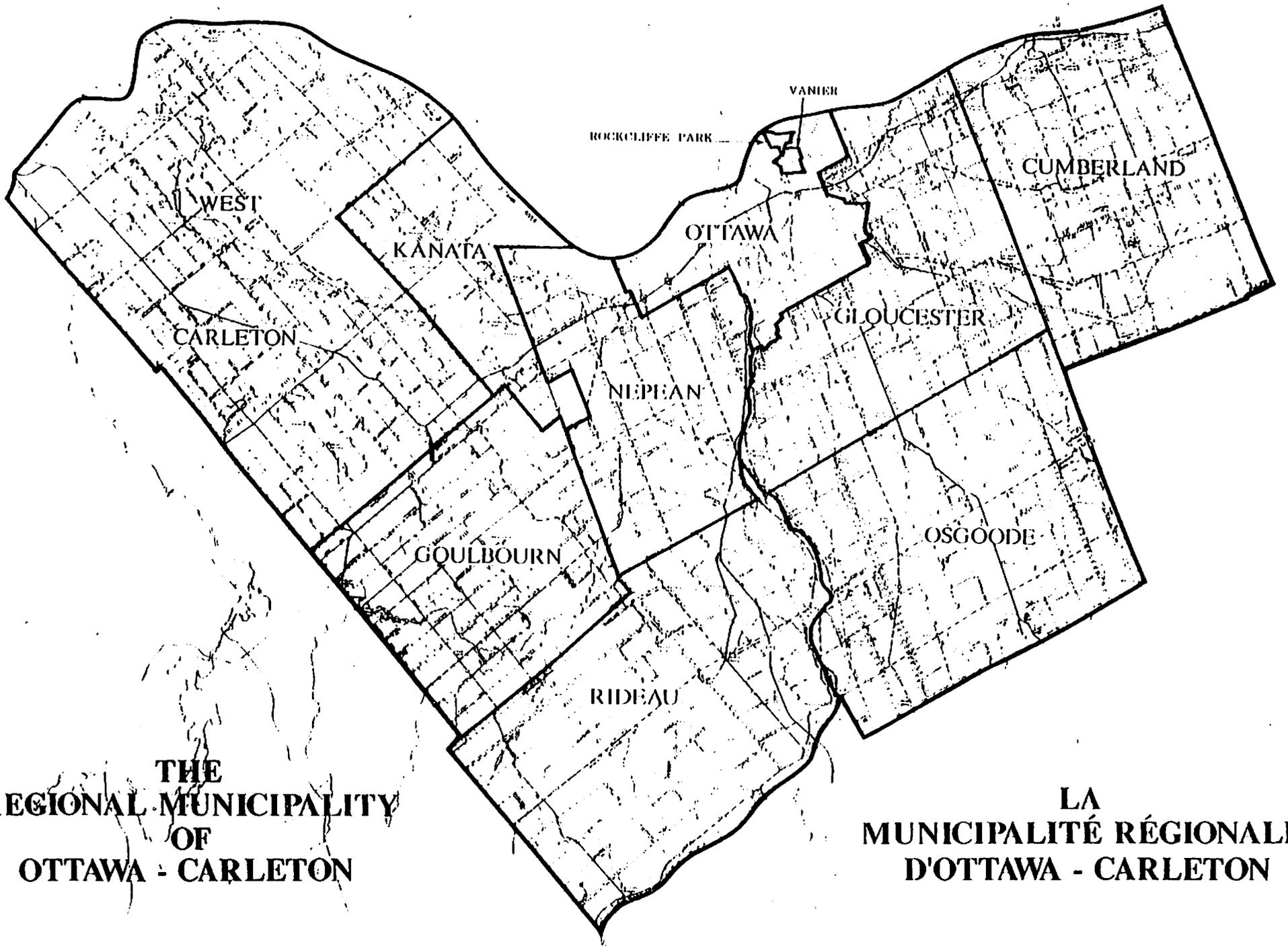
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**THE
REGIONAL MUNICIPALITY
OF
OTTAWA - CARLETON**

**LA
MUNICIPALITÉ RÉGIONALE
D'OTTAWA - CARLETON**

CHAPTER 1

INTRODUCTION

On July 23, 1993, the Honourable Ed Philip, Minister of Municipal Affairs for the Province of Ontario announced that he was introducing Bill 77 to the Provincial Legislature, a Bill that would change local government in the Region of Ottawa-Carleton. The Bill proposed five major changes to both the political structure and the distribution of responsibilities. The major changes are as follows:

- a) A Regional Council composed of eighteen directly elected Regional Councillors and Chair, without the local Mayors.
- b) The creation of a Regional Police Force.
- c) The opportunity to transfer all responsibility for sewers and solid waste collection to the Regional Municipality.
- d) The transfer of responsibility for the purchase and development of land for economic development purposes from the local municipalities to the Regional Municipality.
- e) The transfer of responsibility for the provision of Victorian Order of Nurses and Visiting Homemakers Services (VON/VHS) to the Region.

In this paper I plan to review the first four changes to the local government system proposed by the Minister. The transfer of VON/VHS services was already agreed to by the local municipalities and the Region and legislative changes initiated, therefore it will not be part of the review.

The paper includes a review of the rationale for the creation of a two-tier system of local government in Ontario and the reasons for the original composition of Regional Council and the distribution of services. We will look at the creation of Regional Government in Ottawa-Carleton in 1969 and the differences and similarities between this Region and other Regions in Ontario. I will conclude this part of the review by describing the current situation in Ottawa-Carleton.

The second chapter of this paper will contain a synopsis of three studies of the Region of Ottawa-Carleton as they relate to the changes proposed by the Province. The first study was by Mr. H.B. Mayo in 1976; the second was by Mr. D.W. Bartlett in 1987-89; and the third was by Mr. G.M. Kirby in 1992. The focus will be on the Kirby Commission Report of 1992 and its recommendations pertaining to the four changes being studied. The Discussion Paper, Interim Report and the Final Report will be examined as well as responses from the two public surveys on the four topic areas.

Three other Regional Reviews will be examined in the third chapter, the 1989 Niagara Region Review, the 1989 Haldimand-Norfolk Review, and the 1986 Metro-Toronto Review. A brief review of the City of Winnipeg restructuring will also be conducted.

The Province's response is the focus of chapter four as we examine the Minister's rationale for suggesting the four changes.

The emphasis will then shift to an analysis of the response from the Province on proposed changes both from an administrative and political perspective. Arguments will be put forward that support the assertion that the Province's decisions were made in order to ensure the viability of the City of Ottawa. Alternative approaches to the Province's recommendations will then be discussed. The paper will then conclude with some projections for the future of local government in Ottawa-Carleton given the changes proposed.

Re-organization of Local Government in Ontario

The re-organization of local government in Ontario commenced with the creation of Metropolitan Toronto in 1954, "the application in an urban setting of the kind of two-tiered municipal government that had long characterized rural county government in Ontario."¹ The function of Metro-Toronto was the culmination of a series of events that

began ten years previous with the formation of a Planning Board to coordinate planning within the twelve municipalities surrounding the City of Toronto. This led Toronto's Council to "pass a motion to apply to the Ontario Municipal Board to amalgamate the City with the twelve others in the area to form a single bigger one".² The OMB heard the case and recommended the creation of a "two-tiered municipal federation."³ The Province quickly moved on the recommendations, and Metropolitan Toronto was formed.

The upper-tier on Metro was given responsibility for capital borrowing, major roads, property assessment, area wide planning, wholesale water distribution and sewage disposal. The local municipalities were given responsibility for local planning, police and fire protection, licensing, libraries, water supply and garbage collection.

Metro Council was composed of a provincially appointed chair and twenty-four indirectly elected councillors, twelve councillors from the City of Toronto who sit on both councils, and the twelve area mayors. After the creation of Metro, numerous changes took place, often after formal reviews were undertaken. The first change was that police became Regionalized in 1957. In 1967 the thirteen municipalities were consolidated into six and Metro took over responsibility for social welfare. This was the last of the major changes to Metro until the 1980's when Metro councillors became directly elected to Metro Council.

Learning from the Metro experience, the Provincial Government pressed on to look at other areas of the Province to implement similar systems. Higgins, in his book Local and Urban Politics in Canada, asserts "that Regional Government was one of three major related themes in Ontario provincial policy during the 1960's and 1970's, the other two being Regional Economic Development and Regional Planning."⁴ The Province identified economic regions and recognized that to deal with the economic challenges each region had to face, coordinated planning amongst the local municipalities in each region would have to take place. However, as he goes on to identify, coordinated planning was difficult when the economic regions were politically fragmented, so they needed some way of overcoming this challenge.

Two studies, one on the Municipal Act and the second on the taxation system completed in the mid 1960's also recommended that two-tiered government be implemented to "restore responsibility to the elected representatives and to increase the possibility of economic and efficient administration of municipal services and finances."⁵

Also coming out of these two studies were a set of principles that were used in the formation of Regional Governments. The criteria were based on two "higher level criteria - access and services. By "access" the committee on taxation was referring to what was described as the democratic function of municipal government, in terms of

fostering widespread participation of individual citizens in local government. The "services" criterion focused on the economic provision of local services."⁶ The Province accepted the recommendations and began creating Regional Governments encompassing specific geographic areas that provided:

- "1. a sense of community based on sociological characteristics, economic life, history, and geography;
2. a balance of interests, such as urban and non-urban;
3. the existence of an adequate financial base for municipal government at all tiers;
4. sufficient geographic and population size to facilitate economies scale in service delivery;
5. community participation and community acceptability;
6. usefulness of the area and boundaries for such other institutions as provincial departments and school boards."⁷

Between 1969 and 1974, the Province created eleven (11) Regional Governments using these criteria to determine which local municipalities would come under which regional umbrella. In the allocation of responsibilities, the Province looked at the Metro example and left matters of a local concern with the local municipalities and matters of a region-wide concern with the upper tier. As a result, the Regions were given responsibility for

region-wide planning, transit, major roads, social services, water system, major sewers, health, economic development promotion, and for the most part policing. The local municipalities were left with local planning, local roads, sidewalks, parks and recreation facilities, libraries, fire protection, solid waste collection, local sewers and in some cases, police.

Regional Councils varied in size but members were elected in the same manner, through indirect election. Members sat on Regional Council by virtue of being elected to local offices either as councillor in the large member municipalities or as mayor in the less populated ones. After the initial appointment of the chair by the Province, chairs were elected by Regional Council, either from within council or from the public at large. If a member of Regional Council was selected, he or she would have to resign their local office.

The system of Regional Government in Ontario has been the subject of many studies as ways have been sought to improve it. Ottawa-Carleton was the first Region created and has been the subject of three separate studies. The history of the creation of Ottawa-Carleton is covered next.

Creation of Regional Government in Ottawa-Carleton (RMOC)

In addition to the study on the taxation system, the Province commissioned a study by Murray Jones called the Ottawa, Eastview (Vanier) and Carleton County Local Government Review Commission. Mr. Jones' report, completed in 1965, recommended the creation of a two-tier government system in Ottawa-Carleton to deal with the emerging growth issues affecting the Region.

Three years later, the RMOC was established by an Act of the Provincial Legislative (Bill 112) and began operation on January 1, 1969. It encompassed sixteen municipalities that had made up the former Carleton County, an area of 1,100 square miles.

The major responsibilities given to the Region were as they are today: water supply and distribution, sewage collection and treatment, design and maintenance of regional roads, overall land use planning, coordination and provision of social and health services and debt financing (public transit was added five years later). The local municipalities retained responsibility for: local roads and sidewalks, local planning, local sewers, parks and recreation facilities, fire and police protection, housing and economic development (industrial land development). Regional Economic Development was the responsibility of a separate economic development corporation charged mainly with promoting the Region to outside interests.

**SERVICE DELIVERY RESPONSIBILITIES
OTTAWA-CARLETON**

Regional	Area Municipality
Region-wide planning	Local Planning
Water Collection, Treatment and Distribution	Policing and Fire Services
Sewage Treatment and Trunk Lines	Connection to Sewage Trunk Lines
Waste Disposal	Waste Collection
Public Transit	Recreation and Library Services
Provision of Social and Health Services	Housing
Design and Maintenance of Regional Roads	Design and Maintenance of Local Roads
Issuance of Long-term Debt	Hydro (Either local Hydro Commission or Ontario Hydro)

Regional Council was composed of a chair elected from Regional Council or the public, sixteen local councillors from Ottawa and the mayors from the other fifteen municipalities. Shortly after the formation of the RMOC the number of municipalities was reduced from sixteen to eleven with the consolidation of a number of townships into larger units. When that occurred, the Township of Nepean was permitted to have two additional representatives on Regional Council and the City of Vanier and the Township of Gloucester one additional representative each. This was done in recognition of their larger populations.

As indicated in the previous section, the RMOC was set up primarily to encourage economic development through area-wide planning and control of major infrastructure, ie. roads, sewers and water systems. By putting control of these services in the hands of one area-wide government, the Province wanted to ensure the orderly expansion of basic infrastructure for the rapidly growing areas of the Region. It also relieved them of these responsibilities although they still contributed through infrastructure grants and subsidies. The Region's ability to tax and to debt finance enabled them to borrow and finance infrastructure costs for controlling development.

The first task of the Region was to develop an Official Plan laying out guidelines for future growth in Ottawa-Carleton. The draft plan issued in 1973 proposed three urban communities outside the greenbelt, one in what is now Kanata, one east straddling the

Gloucester/Cumberland boundary known as Orléans and one south straddling the Nepean/Gloucester Boundary south of the Greenbelt. To support these areas, a system of arterial roads was proposed to bring the people, living in these outside areas, to Ottawa to work and for entertainment. During consideration of the plan an urban/suburban rift developed on Regional Council as suburban councillors supported the proposed arterial roads while many of the City of Ottawa councillors struggled with the dual responsibility of serving their constituents and also fulfilling the Regional mandate, given that many of the proposed roads transacted their communities. The Regional plan debate spanned many years, culminating in almost two years of Ontario Municipal Board hearings with the City of Ottawa objecting to many of the fundamental growth issues. A compromise was worked out with the Region making a commitment to develop the public transit system in conjunction with the development of the growth areas and the Region's first Official Plan was approved very much intact.

These early conflicts over the growth strategy manifested in new types of Ottawa politicians emerging, ones concerned with the preservation of the quality of life in the city. On Regional Council, this resulted in a development versus anti-development split which existed for many years. The suburban municipalities, along with two or three councillors from suburban Ottawa, nearly always carried the majority on Regional Council on decisions pertaining to facilitating growth. Even with the review of the Official Plan which commenced in the mid 1980's and concluded in 1990, the split

existed, but the suburban municipalities were able to increase the amount of land designated for urban envelope. They were also able to obtain budget approval for the expansion of the sewer, water, transportation and transit systems to serve these areas as well, much to the dismay of City of Ottawa councillors.

Current Situation in Ottawa-Carleton

The Region is now twenty-five years old and has a total budget of over one billion dollars. Its responsibility areas have stayed much the same, although the Province has downloaded some responsibilities in the areas of health and social services, for example, the Region is responsible for Aids Education programs and for the capital costs of additional day care spaces. Provincial grants have diminished both in proportion to other revenue sources and in the total amount provided. As a result, the Region is obtaining more of its revenues from taxation and user fees. Tax increases through the 1980's and early 1990's exceeded inflation by as much as four percentage points each year, resulting in the Region being second to the school boards as a percentage of the total tax bill. For example, in the City of Gloucester, the City's portion of the tax bill is 23%, the RMOC's is 26% and the school boards' is 51%.⁸

Regional Council is composed of a directly elected Regional Chair and thirty-two indirectly elected Councillors. Sixteen of the Councillors are from the City of Ottawa, the Mayor and fifteen Councillors. The remaining sixteen are Mayors from the remaining ten municipalities and some indirectly elected Councillors. Up until the last municipal election in 1991, the Regional Chair was selected from amongst the Members of Regional Council or from the public. The new Provincial NDP government made the decision to go with direct election early in office. Public concern over the tax increases expressed during the Bartlett Review of Regional Government and the Graham Commission on Political representation and concerns over the lack of accountability of the Regional Chair were submitted to the new government when they took office. When faced with the choice of maintaining the status quo, which was recommended by the two Commissions, or going with the direct election of Regional Chair as the public wanted, the NDP went with direct election.

The suburban/urban rift has not diminished with the direct election of the Chair, in fact it has been accentuated by some recent decisions of Regional Council. The decision to implement Region-wide tax assessment was especially controversial as city neighbourhoods were to be reassessed dramatically higher resulting in significant tax increases, while suburban neighbourhoods saw their assessment either stay the same or drop significantly, resulting in tax decreases. The vote at Regional Council was close but the suburban representatives carried the majority and Region-wide assessment was implemented.

1991 CENSUS POPULATION FOR OTTAWA-CARLETON

Municipality	1991 Population
Ottawa	313,967
Vanier	18,150
Rockcliffe Park	2,113
Cumberland	40,697
Gloucester	101,677
Goulbourn	16,151
Kanata	37,344
Nepean	107,627
Osgoode	13,976
Rideau	11,778
West Carleton	14,647
TOTAL RMOC	678,147

It has been suggested that Regional politicians tend to represent their local municipal interests on Regional Council as they are first elected at the local level. This is very much in evidence in Ottawa-Carleton and prevents Regional Council from assuming a true Regional perspective. Regional Councillors have also been criticized for their lack of accountability to the electorate. This is evident during municipal elections when the issues are discussed are local issues. Concern over decisions such as double digit Regional tax increases are not factors during the elections because of the local focus. This parochial view has spilled over to the provision of some services exemplified in the provision of police services.

Police Services are currently provided by six different forces in the Ottawa-Carleton Region. The City of Ottawa, Nepean and Gloucester each have their own police force, the City of Kanata, the Township of Cumberland and the Village of Rockcliffe Park contract their police services to the O.P.P., the City of Vanier contracts to the City of Ottawa Police Service, and the remaining rural municipalities receive police services from the O.P.P. at no additional charge. The RCMP patrol the Federal Parkways and Embassies, and the Military Police provide service to the Military Bases. Ottawa has by far the largest police force and offers many specialized services not provided by the other forces because of the cost. They are also staffed in order to provide services in the Nation's Capital not provided by the R.C.M.P., for example a riot squad. The chart below indicates current expenditures on police services by municipality:

1991 Municipal Operating Expenditures for Policing

Municipality	Assumed Increase in Police Expenditures for OPP Services Municipalities (\$ millions)	1991 Municipal Operating Expenditures for Policing (\$ millions)
Ottawa	-	56.571
Nepean	-	12.579
Gloucester	-	11.365
Kanata	-	2.762
Vanier	-	3.038
Cumberland	-	3.009
Rockliffe Park	-	0.323
Goulbourn	3.191	-
Osgoode	1.027	-
Rideau	0.871	-
West Carleton	1.083	-
TOTAL	4.00*	89.647*

* Numbers may not add to rounding.

Since the formation of the Region, the responsibility for trunk and collector sewers has remained with the Region and responsibility for local sewers and house service connectors has remained with local municipalities. The water system, on the other hand, is managed entirely by the Region.

The issue of stormwater management has become prominent in the last five years as the criteria used by the Ministry of Environment and Energy for water entering watercourses have become stricter. Currently, the responsibility for the quality of stormwater is split, local municipalities are responsible for the design of drainage areas, including stormwater ponds, and the Region is responsible for the standards used by the local municipalities, the maintenance of the stormwater ponds and the quality of the discharge. This arrangement was worked out between the local, Regional and Provincial Governments and has worked well since implementation.

Effective coordination, on the other hand, has not existed in the area of economic development. Currently, the Ottawa-Carleton Economic Development Corporation (OCEDCO), an independent body of business people and appointed elected officials, is responsible for the promotion of the Ottawa-Carleton Region outside the Region. Their mandate is to bring business to Ottawa-Carleton. The local municipalities then take over and market their industrial/commercial parks. This has not worked very well, as Ottawa,

Nepean and Gloucester and to a lesser extent Goulbourn and Kanata have developed marketing programs of their own that extend provincially and even internationally in some cases. An example of this duplication is the City of Ottawa's Economic Development Department, which in both staff and budget, is larger than OCEDCO and the other area municipalities combined.

A recent study of Regional economic development concluded that OCEDCO needed to play a stronger role in promotion and that municipalities should focus on developing their industrial parks. The recommendations were adopted by OCEDCO but the municipalities have not been supportive. OCEDCO is viewed as not doing a good job, especially in the last couple of years as the Region has lost out to other parts of Canada on major opportunities like the Canadian Space Agency, which went to Montreal. As a result, the local municipalities continue with their promotional campaigns, having little regard to OCEDCO, resulting in minimal coordination and a duplication of effort.

In summary, when the Province created the Regional Municipality of Ottawa-Carleton twenty-five years ago it had certain goals in mind. It wanted to put in place coordinated planning for both land use and infrastructure, it wanted to enforce the economic viability of the Region, it wanted to create administrative and political units that could function on their own with minimal support, it wanted to establish a level of government that

could develop and manage services that are provided on a Region-wide basis, and it wanted to establish a political structure that could be held accountable for decisions in these areas. The Region has performed reasonably well in achieving the objectives, but as the next section will demonstrate there are numerous flaws in the system. The flaws were apparent and, as a result, over years the Province has commissioned three independent studies of the RMOC and each commissioner has made recommendations to improve the function of the Region. The first was by H.B. Mayor in 1976, the second was by D.W. Bartlett in 1987-89 and the third was by G.M. Kirby in 1992. Each of these studies will be reviewed to determine what was recommended in the areas of Political Structure, Provision of Police Services, Sewers and Waste Management and Economic Development.

CHAPTER II

REVIEW OF PREVIOUS STUDIES OF LOCAL GOVERNMENT IN OTTAWA-CARLETON

This section will focus on the three previous reviews of local government in Ottawa-Carleton as they relate to the four changes being proposed by the Province through Bill 77. The Mayo Commission Report, the Bartlett Commission Report and the Kirby Commission Report are the subject of this section.

Mayo Commission Report, 1976

The Commission was established in 1974 by the Ministry of Treasury, Economics and Intergovernmental Affairs. The mandate of the Commission was "to examine, evaluate, and make recommendations on the structure, organization and operations of local government in the Ottawa-Carleton area."⁹ Mr. Mayo was a Professor at the University of Ottawa at the time he was asked to undertake this work. As a result of his background, the report is well researched and well written and several of his recommendations were acted upon including the creation of the City of Kanata from March Township and parts of Nepean and Goulbourn Townships.

Political Structure

Mr. Mayo recommended that Regional Council be expanded to thirty-four members as opposed to the thirty-one that existed at the time of his review. He also recommended that Regional Councillors be directly elected to Regional Council. His rationale was threefold. First, he was of the view that it was important that Regional councillors not take a parochial view of issues. Indirect election to Regional Council he asserts (councillor sits on Regional Council by virtue of being elected to local council), creates a situation where members make decisions on the basis of what is preferred by their local municipality rather than what is good for the Region as a whole. They do this because their power base comes from the lower tier. He argues that there is a need for a Regional perspective in dealing with issues such as planning, transportation, transit, water and sewers and social services. He goes on to state "A Region-wide approach is also vital for dealing with the difficult and pressing issues raised by the prospect of continuing urban growth."¹⁰

His second point was that the workload imposed on individuals serving on both local and Regional Councils was excessive and as a result they tend to neglect one or other sets of duties. He supports this claim by citing studies in Toronto where "Mayors are reported to work an average of seventy-four hours a week."¹¹ He suggests that it is the Regional interests that suffer because of the workload.

Third, he was of the view that accountability to the public suffers when Regional Councillors are on Regional Council only by virtue of their election to local office. The implication here is that for people to be held accountable they need to be directly elected to Regional Council.

He went on to say that Regional Councillors should be elected on a ward basis that follow local municipal boundary lines. He was opposed to Regional Wards that cross municipal boundaries because he felt that would add confusion to an already complex situation. In his opinion "overlapping and cross cutting of Regional and Local boundaries may have contributed to the failure of the experiment with Metropolitan government in Winnipeg."¹²

Given the diversion of responsibilities between the region and the local governments, Mr. Mayo recommended that the politicians at the local level be strictly part-time politicians. In order to ensure a workload that a part-time politician could reasonably assume, he recommended that the number of local politicians be expanded. For example, he was recommending that the City of Gloucester Council be expanded to twelve members.

He also recommended changes to the committee system at the Regional level. He advocated a stronger role for the Executive Committee in reviewing recommendations from the standing committees. The Executive Committee would consist of the chairs of

the standing committees and their primary function would be the setting of the Council Agenda. The chairs of the five to seven standing committees would be elected by their peers on Regional Council.

Police Services

Mr. Mayo in his report makes reference to the Hale Commission Report (the report of the Task Force on Policing in Ontario [1974]) which recommended that policing in the RMOC be regionalized. He goes on to compare the costs of the various forces in Ottawa-Carleton, the three urban forces (Nepean, Gloucester and Ottawa) and the contracted services in the rural area (to the O.P.P.). He concludes that if the Province were to continue the \$4.00 per capita subsidy it provides to the urban forces and extend it to all municipalities in the Region, policing would in fact be less expensive. This would be true only if the levels of service in the areas receiving OPP service remained the same. If the service levels were to rise, policing would become more expensive, he suggests.

He goes on to talk about the service provided by each of the existing police departments. He argues that Ottawa has to provide more specialized services due to the type of crime that occurs there. It is the centre of the Region; it is where most people work and where people go at night; it has over 70% of the social assisted housing in the Region and as

a result most of the crime occurring in the Region occurs in Ottawa. He goes on to comment about the large scale movement of people between Ottawa and the suburbs and the need for cooperation between forces that is not always guaranteed. He cites a number of benefits of a Regional Police Force - centralized communication function and record keeping, reduced court liaison costs, enhanced upward mobility for staff through a larger force, and reduced capital expenditures as the concept of satellite centres would be used, with administration housed in a central facility. Mr. Mayo concludes by formally recommending that the municipal forces be amalgamated into one Regional Force for the aforementioned reasons. He goes on to state that the Province should be prepared to assist with any transition costs that may occur, and that any liabilities should be borne by the taxpayers that incurred them and not by the whole Region. His final point is that community policing should be the basis on which service is delivered.

Sewers and Solid Waste Management

In his report, Mr. Mayo talks about the role of the RMOC in managing the trunk sewers and sewage treatment plants and the method it uses to finance expenditures related to expansion and maintenance of the system. The primary revenue source is the sewer area levy on those local municipalities which receive sewer service. The other main source of revenue is the service charge that is applied to the water bill on the basis of consumption.

He goes on to comment that he supports the RMOC's control over the water system as it provides the opportunity to "integrate water supply with overall Regional planning."¹³ He feels there are benefits to the Region in controlling the whole sewer system as well. He also states that a closed loop system would make "administration and planning of both systems easier, and would remove the confusion experienced by the customer, who must pay for two systems (maintained by two different levels of government) through the water bill paid to the Region.

On the function of solid waste collection and disposal, he comments that there is considerable variation from one municipality to the next in the type and frequency of collection. (In 1976, all municipalities contracted with private firms for the collection of garbage, which continues today). Landfill sites in the Region are a Regional responsibility. He supports this division of responsibility because he does not feel local municipalities should be responsible for finding and developing new sanitary landfill sites. The Region is best able to manage all garbage disposal because of its Region-wide mandate.

Economic Development

At the time of writing his report, the task of industrial promotion in the Region was performed by the Commercial and Industrial Development Corporation, an independent Corporation set up to promote the Region. (The forerunner to OCEDCO). Its mandate

was to coordinate efforts to attract new businesses by the local municipalities. The founding businessmen and politicians were of the view that the question of locating industries was a Regional concern. He supports this position because it inhibits "wasteful competition for industry among the area municipalities."¹⁴ He was of the view that the RMOC had an important role to play in establishing Official Plan policies that encouraged commercial/industrial development and to provide servicing to industrial lands already designated.

He supports the local municipal role of acquiring and developing land for industrial purposes as one method of attracting new businesses since it offers a variety of places for business to locate. Local municipalities can do that very effectively and in Mr. Mayo's opinion, this should continue.

Summary

Mr. Mayo recommended that Regional Council be expanded to thirty-eight directly elected members with local boundaries and without the mayors. He also suggested a new committee system for the RMOC that would enhance decision making. Further, he recommended that police departments be amalgamated into one Regional Force with Provincial assistance to ease the transition, and that the complete sewer system become

the responsibility of the Region, with solid waste collection remaining a local responsibility. Economic Development promotion should continue to be the responsibility of the Region, while the acquisition and development of industrial land should remain at the local level.

D.W. Bartlett Commission

Mr. Bartlett, a former Mayor and Regional Councillor from Rideau Township, was commissioned in 1987 by the Minister of Municipal Affairs to do a two phase review of the Region of Ottawa-Carleton. The purpose of the review was "to examine, evaluate and report to the Minister on various representation, accountability, functional and financing issues related to the current political organization and division of responsibilities in the Regional Municipality of Ottawa-Carleton."¹⁵ The first phase was a review of Accountability and Representation and the second phase dealt with Functions and related Financial matters. This summary of his recommendations will begin by reviewing his comments on the political structure and conclude with his comments on Economic Development in the Region.

In the Phase I report, Mr. Bartlett provides definitions of Accountability and Representation which are relevant to the discussion in this paper. He defines accountability and representation as follows:

"Accountability refers to the ability of the electorate to hold their elected representatives responsible (to account) for their actions on Regional Council. Such accountability requires that the public understand the responsibilities, roles and functions of their elected representatives. In

addition, in order to hold their elected representatives to account, members of the public must be able to effectively express their satisfaction or dissatisfaction through the ballot box. Also, if politicians are to be held to account, they must have influence over decisions on these matters. Authority and responsibility, therefore, must be clearly defined and properly focused."

"Representation refers to the ability of electors to have their views and needs placed before the decision-making body by their elected representatives and taken into account in the decision-making process. The representative must be in a position to act on behalf of their constituents. In the context of Regional Council, equality of representation would ideally require that each elected person represent about the same number of people (representation by population). This requirement would facilitate equal access to the electorate to their representatives across the Region. In addition, the elected representatives must be able to reflect the interests of all residents within their jurisdictions."¹⁶

These two definitions form the basis for his recommendations concerning the political structure of the Region.

Political Structure

In his report, he cites a study that was done on the way Regional Councillors from Ottawa allocate their time. The study found that they devote between 20% and 30% of their time to Regional matters.¹⁷ This concerned Mr. Bartlett in that he questions whether responsibility for a \$600 million annual budget (1987), and responsibility for planning and developing policy of critical importance to the whole Region, should be left to Councillors whose primary preoccupations rest elsewhere.¹⁸

He goes on to say that the most important work at the Region is done at the Committee level as the full Council serves largely as a board of review. It is at the Committee level where most of the debate and discussion takes place. Unless the issue is contentious it will usually be approved quickly at Council. He is critical of the way the Committees are structured and the way they work in that they are made up of individuals who are preoccupied with their lower-tier interests which makes it difficult to obtain a full Regional perspective. In addition, as a result of the pressures of time, only the Committee members become truly familiar with any item proceeding to Council. The other Council members just follow the lead of their counterparts which may not always be in the best interest of the Region.

He is of the view that the Region is more of an administrative agency than a public government because it is not the focal point for public debate and resolution of major issues affecting Ottawa-Carleton. There are basically two reasons for this in his view, the public has a very limited understanding of the role of the Region as a government and the politicians have to juggle their local responsibilities with their Regional responsibility with little or no administrative support to help them with Regional issues. As a result of this situation, the Regional staff are the ones providing direction to the politicians without being accountable to the public. This frustrates the public and councillors because they have very little control over the political, social and economic development of Ottawa-Carleton.

Against this backdrop of concerns, Mr. Bartlett recommended a number of changes to the political structure of Ottawa-Carleton based on his criteria of being representative and accountable. He looked at options of size and concluded that a Regional Council of thirty-six would be appropriate, including the local mayors. (Three more than the existing situation and does not include a directly elected chair). The Regional Councillors should be directly elected on the basis of representation by population from within their respective municipality. Municipalities would only be entitled to additional councillors (in addition to their mayor) if their population warranted it, and then it would be on the basis of representation by population.

His rationale for having the mayors sit on Regional Council is quite simple. He views the mayors as being "representatives of the corporate components of the Regional system (the municipalities) rather than representing the electorate".¹⁹ He views the liaison function between the two political bodies as being essential for the smooth delivery of services by the Region. A sensitivity is required of each others' situation and that can only be accomplished by the mayors' participation on Regional Council. Given that the mayors would function only as inter-municipal liaison, they would not be permitted to chair any Regional Committees and the directly elected Councillors would be expected to answer any questions of corporate performance.

In summary, Mr. Bartlett's position on the political structure on Regional Council is very straight forward. He recommends that Regional Council be expanded to thirty-six members of which twenty-five would be directly elected councillors from wards within local municipal boundaries the local mayors making up the remainder. The mayors would not be permitted to Chair any Regional Committee, but could vote on any matter. Local Council sizes would be reduced to the minimum number of five with the exception of Nepean and Gloucester which could have councils of seven members and Ottawa that would have thirteen members. As a result of these changes, he feels that the politicians at both levels would be accountable to the public for their decisions and would accessible to them as well.

Phase II of the Bartlett Commission dealing with functions and finances was completed in November 1988. The basic premise behind the recommendations contained in this section is that functions of region-wide significance, and can most effectively be performed on a Regional scale, should be assigned to the RMOC; and those functions of a local significance, and which can more effectively be performed on a smaller scale, should rest with local municipalities. On these criteria, Mr. Bartlett concludes that many of the present arrangements are appropriate, but improvement could be made in others. We now look at these areas.

Police Services

Mr. Bartlett does not directly address the provision of police services, and does not provide any reasons for the omission, other than stating the report deals with functions being carried out inadequately or where a change in responsibilities would produce better results. It is clear from the terms of reference that it could have been included in his review but was not. He did focus on eight other areas and maybe it was a function of time and resources. He does talk about three principles used to determine if a service should be delivered at the Regional or local level. The principles are as follows:

1. "Unless there is good reason to the contrary, the Region should be responsible for those municipal policies and services which are important throughout all, or a large part of the Region. The lower tier should deal with matters which do not have substantial ramifications beyond each individual municipality.
2. Services should be provided at the level where maximum economics of scale can be achieved for the given service.
3. Unless there is good reason to the contrary, Regional administration is appropriate where it is essential to apply uniform policy and practice across the Region."²⁰

He does mention a caveat that is applicable in some cases, and that is cost of implementing change. In some cases, the transitional costs of implementing changes must be taken into account in economic, human and institutional terms, and if they outweigh the longer-term benefits expected from the change, the change should not be implemented. Application of this caveat will sometimes mean that a service will continue to be delivered by a local or Region Government even though on the surface it appears it should not. The cost of Regional Policing may have been a factor in his decision not to review it during his study.

Sewers and Solid Waste Management

Mr. Bartlett did address sewage collection and disposal and waste management in his report and made recommendations in keeping with his stated principles.

He noted that the sewage system is essentially a closed system from a technical standpoint but is split jurisdictionally. The Region is responsible for trunk sewers and treatment of effluent and the local municipalities are responsible for the local sewers. He states that this system is very inefficient as each jurisdiction is only concerned with their own area of responsibility.

He suggests that Regional control over the whole system would ensure that the system is managed in a consistent manner. Investment decisions on treatment vs collection facilities would be made in the best interest of the Region instead of the individual municipalities as it is done now.

On the issue of waste management, he again notes the split in jurisdictions. The Region is responsible for the landfill sites (disposal) and the local municipalities are responsible for collection. This results in the Region charging local municipalities a tipping fee for disposing their solid waste at the Regional landfill.

He goes on to describe the current arrangement where all the municipalities have contracted out their collection and have introduced individual levels of service in response to the needs of the residents. They have also introduced recycling (1986) again tailored to the preferences of the individual municipalities, ie. some recycle plastic, others do not. By contracting out their collection, the municipalities have the most efficient and effective approach to the delivery of this service and through their individual contracts have tailored the service to their needs. In addition, savings realized from recycling programs through fewer tipping fees help pay for recycling programs. The Region benefits from recycling through longer life expectancy for its landfill site. Mr. Bartlett that both parties benefit from the current arrangement, and as a result, recommends no change to this system.

Economic Development

Mr. Bartlett's strongest recommendations in his Phase II report came in the area of Economic Development. He suggests that a well-considered, broadly based Regional economic strategy is critical to the future viability of the Region. He argues that the creation of the strategy and the delivery of an effective program to carry it out should be an important function of the Region. He states "this must be a Regional responsibility since the Region is a functioning economic unit, while individual parts of the Region are not."²¹

He talks about the limited marketing role of the Ottawa-Carleton Economic Development Corporation (OCEDCO) which receives 90% of its funding from the Region. Mr. Bartlett was of the view that it is unrealistic to expect OCEDCO to broaden its role given its independent status. It needs to become a part of the Region so that economic development policies can be incorporated into the major decisions that shape development of the Region. If this does not happen, he alleges that the local municipalities will accelerate their tendencies to act independently, which is counter productive to the economic health of the Region as a whole.

The model that Mr. Bartlett proposes is partnership based with the Region, local municipalities and the private sector each playing a role. Leadership would be provided at the Regional level with a new Economic Development Department providing input into Regional policies pertaining to development, ie. the Official and Strategic Plans. Local municipalities would have land properly zoned and serviced for development in sufficient quantities to meet projected demands and would work with the Region in the development of economic development policies. The business sector would be responsible for promotion and marketing, things they know best. They would all be involved in policy development.

Summary

Shortly after Mr. Bartlett submitted his report to the Provincial Government, the Government introduced Bill 168 an Act to amend the RMOC Act to provide for a Regional Council of fourteen to eighteen members with the mayors of the local municipalities. The Chair would be selected from the directly elected councillors. The changes would have resulted in a Regional Council of between twenty-five and twenty-nine members. This Bill died on the order paper when the house dissolved for the 1990 Provincial election. However, the Province did appoint a Commissioner to design the Regional Ward System and re-design municipal wards where required, pursuant to the draft legislation. Ms. Katherine Graham was appointed in July 1990 and she submitted her report in 1991. It recommended eighteen Regional Wards with almost half of them crossing municipal boundaries and appropriate sizes for local councils. The chart on the following page depicts what the Graham Commission recommended.

The only legislated action the new Provincial Government took in response to the Bartlett and Graham reports was to enact Bill 32 which provided for the direct election of the Regional Chair in time for the 1991 municipal election. I believe the reason the Province made this decision is that the public consistently stated that they wanted the chair to be directly accountable to them for decisions made at Regional Council. As stated in the previous chapter, the public was very angry

about tax increases above the rate of inflation during the previous ten years. They blamed one person, the Regional Chair, for these increases, and were frustrated that over the years Regional Council had selected him to be Chair and they had no say. The new Provincial Government anxious to make a distinction from the previous government and to reinforce their position as a government who listens to the people decided that the Chair should be directly elected.

In May 1992, the Government took further action and appointed Mr. G.M. Kirby, former Executive Director of the National Capital Commission to consult with municipalities and the public on several issues arising from the recent reviews. The recommendations from Mr. Kirby's report will be the subject of the next section.

**RECOMMENDED CHANGES TO SIZE AND MAKE-UP OF LOCAL
AND REGIONAL COUNCIL**

Council	Present	Projected	Council Make-up
Regional Council	33	29	
Direct Election	1	19	18 Councillors elected from wards and Regional Chair
Lower-Tier Members*	32	10	Local area Mayors (10)**
Ottawa	16	11	Mayor 10 local Councillors elected from wards
Vanier	7	5	Mayor 4 local Councillors elected at- large
Rockcliffe Park	5	5	Mayor 4 local Councillors elected at- large
Nepean	7	7	Mayor 6 local Councillors elected from wards
Gloucester	9	7	Mayor 6 local Councillors elected from wards
Kanata	7	5	Mayor 4 local Councillors elected from wards
Cumberland	7	5	Mayor 4 local Councillors elected from wards
West Carleton	7	5	Mayor 4 local Councillors elected from wards

Council	Present	Projected	Council Make-up
Goulbourn	6	5	Mayor 4 local Councillors elected from wards
Rideau	7	5	Mayor 4 local Councillors elected from wards
Osgoode	5	5	Mayor 4 local Councillors elected at-large
TOTALS	84	84	

* Lower-tier members are counted once at lower-tier only.

** Under the proposed realignment, the Mayor of Rockcliffe would no longer sit on Regional Council.

The Kirby Commission

Mr. Kirby's specific mandate was "to consult with municipalities and the public on the degree of interest and support for structural reform to municipal government in Ottawa-Carleton and for the direct election of members to Regional Council."²² During his review, Mr. Kirby published three documents - a Discussion Paper which put issues forward for discussion by the public, an Interim Report which summarized his findings from his first round of public consultations, and a Final Report in which he put forward his recommendations on Regional Reform. Each of them raises points relevant to four issues being reviewed in this paper and as such will be cited where applicable.

The question arises of why did the new government commission a further review when they had Mr. Bartlett's and Ms. Graham's reports that were recently done. The answer is that the government wanted to hear from the public on the support for the changes proposed by the two earlier reports. The two earlier studies were essentially academic exercises where the public did not really participate, evidenced by the poor turn outs to the public forums and the low number of written submissions. The new government true to its political roots wanted to hear from the public on the proposed changes before making any changes. Mr. Kirby was successful in generating public interest through his personal style and the initial emphasis on single-tier for Ottawa-Carleton in his discussion paper.

Discussion Paper

The Interim Report outlines options for the re-organization of local government in Ottawa-Carleton including single-tier government, a reduction in the number of municipalities and different models for the election of Regional Council.

Political Structure

In the single-tier government model, the eleven municipalities would be amalgamated into a single unit. He argues that there is a perception that the Region is over-governed and that a "single level of government could provide uniform and equitable service delivery over a large area that captures all users, and by virtue of its size, realizes economics of scale."²³ He goes on to say that a single level would serve to clarify accountability by making one Council responsible for all decision-making.

The counter arguments he puts forward are based on discussions he had with other Regional Governments and City of Winnipeg officials. Improved economics of scale can only be achieved in certain services, and by in large these services are already being delivered by the Region. Service levels often increase to the highest common denominator thereby increasing costs and taxes.

The second model he puts forward is the amalgamation of local municipalities into smaller units and eliminating Regional Government. The remaining local municipalities would increase to the size required to achieve the same economics of scale that the Region now provides. He does not support this model as coordination between the competing local municipalities would be difficult to achieve, which would be detrimental to the economic health of the Region.

The third model he puts forward would see the two-tier system retained, but the number of local municipalities would be reduced to three or five. He cites a number of benefits to this model with the only drawback being the strong opposition local municipalities would muster as the model would be perceived to jeopardize community identities.

The next part of the Interim Report deals with election to Regional Council and the proposed size of the Council. He discusses the pros and cons to direct and indirect election to Council, echoing the arguments put forward by D.W. Bartlett. The only additional argument he puts forward against the direct election to Regional Council without local mayors is that there would be a lack of formal linkages between the two levels which could possibly weaken cooperation and coordination between them.

On the issue of size of Regional Council he suggests that the Katherine Graham model of eighteen members directly elected from cross municipal Regional Wards plus the eleven mayors and a directly elected Regional Chair for a Council of thirty would be feasible. If this were accompanied by smaller local Councils, the number of politicians would be reduced, a recommendation he supports.

As mentioned, this Discussion Paper was issued to stimulate the discussions on the major issues facing the Commission. The report focused primarily on political structural issues as Mr. Kirby was of the view that a summary of the discussion in this area was appropriate. He did not deal with the reallocation of functions because he felt Mr. Bartlett's report was a good starting point for that discussion.

Interim Report

After the release of the Discussion Paper, he held a series of public meetings and briefings with Councils, the private sector, interest groups and individuals and in August of 1992 issued an Interim Report on his findings on the issues under discussion. It is basically a summary of what people told him during his discussions, briefings and meetings.

On general matters, he advised that the public want "simple, understandable government; responsiveness, representation/accountability, a sense of community identity, preservation of a way of life, preservation of the metropolitan community, cost effective services and equity, ability to share in the economic and social benefits generated by the Region, sharing of the costs of providing those benefits, and acceptance of past obligations by those citizens responsible for incurring them."²⁴

Political Structure

On the specific issues, he comments that the public prefer directly elected Regional Councillors along with the mayors sitting on Regional Council. They also support Regional wards that cross municipal boundaries and the proposal for eighteen Regional Wards.

The public are also supportive of the current two-tier arrangement with the same number of local municipalities, but a second alternative emerged with the support of the business community seeing five local municipalities and the Region.

Police Services

The public supports the Regionalization of the police forces. Because of the number of police forces in the Region, the public are confused as to who has jurisdiction over what area. There were numerous advantages cited including "standardization of the communication and information systems, both at stations and in cars, improved crime analysis, solution and prevention, reduction in the number of Police Service Boards and clarification of accountability and liability."²⁵

Sewers and Solid Waste Management

On the issues of sewers and waste management, the public are of the view that sewer services should be the responsibility of the Regional Government. There were no comments on waste management in the Interim Report.

Economic Development

The issues surrounding economic development in the Region generated much discussion. It was noted that economies of all the municipalities are highly interdependent and that the "Region is principally dependent on the Federal Governments' presence for its economic well-being."²⁶ People recognized that

the Region must be made attractive to organizations and businesses looking for a place to locate. To do that, municipalities must reduce bureaucratic complexities so that business can concentrate on delivering services. There was strong support that the Region should play a leadership role in the long term economic development planning for the Region. The view was that only "the Region can harmonize economic development and ensure that the local municipalities are working as a team."²⁷

After releasing the Interim Report, Mr. Kirby organized a second set of meetings with the public, interest groups, and individuals to gauge reaction to the report.

The author attended ten of the eleven public meetings held across the Region after the release of the interim report and the comments were primarily directed toward preserving the number and boundaries of the local municipalities. There was very little comment on anything else as people focused on Mr. Kirby's option of reducing the number of municipalities to either three or five. As a result of the single message at the public meetings, a series of private meetings were organized and a public opinion survey was commissioned to obtain input on the other issues under discussion. The survey results and the comments received in public meetings and private discussions form the basis of his Final Report. It is this document that outlines his recommendations for Region reform in Ottawa-Carleton.

Kirby Commission Final Report

Mr. Kirby's Final Report was issued in November 1992 and contained forty-one recommendations to reform the structure of municipal government in Ottawa-Carleton. He based his recommendations on the principles already established by H.B. Mayo and D.W. Bartlett and a couple of his own. His additional principles are as follows:

- "1. Unless there is good reason to the contrary, matters affecting the long-term well-being of the Region and its residents should be dealt with at the Regional level. Local municipalities should be responsible for the more day-to-day matters; and
2. Unless there are good reasons to the contrary, the structure of the Region should be such as to provide each resident with the sense of being a participant in the decisions of local government."²³

Political Structure

In terms of political structure, he recommends that Members of Regional Council be directly elected for reasons of accountability and workload. These Councillors will have the time to deal with the many and varied issues that face the Region and will be held directly accountable at election time for their decisions. The

Chair would continue to be elected at-large and the ten local Mayors (Village of Rockcliffe Park excluded) would sit by virtue of their office. The Village of Rockcliffe Park Mayor is excluded because a Regional vote for a population of 2,000 people would skew the representation on Council in Mr. Kirby's opinion. The eighteen Regional Wards would cross municipal boundaries where feasible, and would be designed on the basis of representation by population respecting communities of interest. By crossing municipal boundaries, Mr. Kirby hopes that Regional Councillors would adopt a Region-wide view of Government. The local perspective would be provided by the area Mayors. He cites a balance between Regional and local views existing in Toronto as an example where this proposed structure works.

Police Services

On the issue of Police Services in the Region, Mr. Kirby recommends that a Regional Police Force be created responsible for all police services currently provided by local police forces and local detachments of the OPP. The police force would replace four of the six forces in existence today. The RCMP and Military Police would continue in their roles. He notes that the quality of services are excellent but it could be better with considerably less duplication. He states that a Regional force would be able to provide consistent service across the Region and be more efficient. A Region-wide policy of community based

policing would have to be implemented to retain the close links between the police service and local communities. In closing, he also recommends that the Province provide transition money to ease the tax increases that those municipalities that have received policing from the OPP without paying extra are going to experience.

Sewers and Solid Waste Management

Mr. Kirby supports the Bartlett recommendations that the Region assume responsibility for all parts of the sanitary sewer system. He further states that the cost of upgrades and separations be divided between all users of the system and the residents of the local municipalities involved through user fees. The advantages gained from adopting system-wide sewer planning and maintenance are the main reasons for his recommendations.

On the issue of solid waste management, he is recommending that the current split responsibility be maintained until such time the Province concludes their study on the issue. The Region is prepared to assume responsibility for collection and recycling in addition to disposal responsibilities, but want more time to study the financial implications of assuming the additional responsibility. The current arrangement works well in his opinion and operates as efficiently as possible with

collection and recycling contracted out. In addition, each municipality has tailored their collection and recycling practices to their local needs while keeping costs down. For those reasons, he is not recommending any changes.

Economic Development

It is the area of economic development where Mr. Kirby puts forward his strongest arguments for change. He whole-heartedly supports Mr. Bartlett's view that economic development of the Region is critical to its future health. In his opinion, it is evident that:

- " - the Region can no longer rely on the Federal Government to provide new employment;
- the competition for business between local municipalities is driving business away;
- the lack of an 'open for business' attitude in the Region is the cause of some private sector companies already located here considering moving elsewhere;
- the intricate structure of Municipal Governments is confusing and the myriad of rules is a disincentive to businesses;

- no one speaks on behalf of the Ottawa-Carleton Business Community;
- and
- business leaders appear to be asking themselves whether Ottawa-Carleton is a community with a future."²⁹

He goes on to state that the shared responsibility for economic development has negatively affected the Region's development. To address this situation, he is recommending that the Region be given primary responsibility for the development and implementation of a comprehensive economic development strategy for the Region. In this way the Region can put in place a coordinated approach to economic development instead of each component operating on their own.

Summary

The forty-one recommendations contained in Mr. Kirby's report are an attempt to build on the strengths of the present system of government and to counter its weaknesses. In the next section of the paper, we will examine what the reviews of other Regions have recommended on the four issues under examination here. We will look at the Niagara Region Review, the Haldimand-Norfolk Region Review and the Task Force Report on Metro-Toronto.

CHAPTER III

Review of Other Studies of Regional Government

In the late 1980's, three other reviews of Regional Government were commissioned in addition to the Ottawa-Carleton Region Review. There was the Niagara Region Review Commission (1989), the Haldimand-Norfolk Review Commission (1989) and the Task Force on Representation and Accountability in Metropolitan Toronto (1986). The two Commissions were similar to the Ottawa-Carleton Review and the Task Force specifically looked at political issues in Metro. This section of the paper will look at each of the reports and summarize the key finding for each of the four issues being reviewed.

Niagara Region Review Commission

Mr. H. Kitchen, Economics Professor at Trent University, was the Commissioner appointed by the Province in early 1988 to "examine, evaluate and report to the Minister on various representation, accountability, functional and financing issues and on the diversion of responsibilities in the Regional Municipality of Niagara."³⁰ The study was divided into two parts (similar to the Bartlett Report), but the findings were submitted to the Minister at the same time.

Mr. Kitchen introduced a new argument for the creation of Regional Governments which had not been raised earlier. He states that one of the reasons the Province formed Regions was to facilitate the "redistribution of resources from relatively wealthy jurisdictions to relatively less well-off jurisdictions."³¹ By providing a service at the Regional level, municipalities receive services with the costs shared on the basis of the wealth of the area municipalities, as measured by equalized assessment. Services that the less wealthy municipalities receive that they would not otherwise include: road construction and maintenance, planning, economic development, social services, and the costs of administering these services.

Political Structure

The issue of political structure in Niagara Region was the most contentious of the issues reviewed by the Commission. The problem related to the allocation of seats on Niagara Region Council given the wide variance in population of the local municipalities. The other problem is that over one half of the population of the Region lives in two cities. If the Region could be divided on the basis of representation by population, the smaller municipalities would have very little voice on Niagara Region Council. When the problem occurs at other levels of government they tend to give more seats to underpopulated areas, Mr. Kitchen

asserts. He supports the Mayors being on Regional Council as a way of achieving equity amongst the municipalities. He advocates four principles in the allocation of representatives.

- "1. Representation by population but balanced with the application of the other criteria.
2. Protection of minority interests - over-represent the smaller municipalities to ensure that those interests are considered.
3. Appropriate size for effective debate and to ensure there are enough members to support the workload of committees, boards and commissions.
4. That the system is easy to understand by the average citizen."³²

From the criteria, Mr. Kitchen recommended that four additional seats for the most populated areas be added to Regional Council, to increase the size from twenty-nine to thirty-three members including the local mayors. The majority of seats would be controlled by the smaller municipalities. He did not recommend cross municipal Regional Wards except for some of the rural municipalities where it was deemed appropriate based on the established criteria. In the large urban centres, he is recommending that Regional Councillors be elected at large due to the problem aligning local wards with Regional Wards.

In summary, the recommended changes to the political structure are primarily minor in nature. The next section of this report deals with police services.

Police Services

The Region of Niagara Police Force was established in 1971 two years after the Region was created. During the lead-up to the creation of the Region, serious concerns were raised about the quality of policing in the area. The quality was affected by "the large number of separate police forces, free policing by the Ontario Provincial Police in some townships but not in others, the small size of most local forces, and the lack of communication among them."³³ Mr. Kitchen's review of Police Services focused on the relationship between Regional Government and the Niagara Regional Board of Commissioners of Police.

During his review, concerns were expressed about the lack of political accountability to Regional Council that exists with members of the Police Board. the level of expenditures on policing, and the lack of Regional involvement in the determination of the budget of the police force. He addresses these issues in his recommendations.

He supports the traditional independence of the police from their civic masters in their carrying out of their day to day responsibilities, but recognizes that the police are still ultimately accountable to the duly elected civic authorities. He is of the view that elected councillors, who provide funding for the police force, should be able to provide policy direction to the force. This has not been happening in Niagara.

The current Police Services Board is composed of five members, three Provincial appointees and two appointed by the Regional Council. Mr. Kitchen recommends that the Board be expanded to seven members with the two additional members appointed by Regional Council. He makes this recommendation for a number of reasons. First, is improved accountability to Regional Council and the public. With more representation from Regional Council, the actions of the Board can be more accountable to the local community through the councillors' election to Regional Council. Second, he feels that the heavy workload of Board Members could be better dispersed. Third, with two additional Members, Regional Council could have greater control over general policy issues and the accompanying budget of the police force.

The four Members of Council sitting on the Board would be representing Council on the Board and he recommends that they be required to report to Council on

a regular basis on the actions of the Board. This would ensure that effective lines of communication remain open between the Board and Council.

Under the current system in Ontario, the Police Services Board prepares an annual budget and submits it to Council for approval. If it is not approved, the budget is sent to the Ontario Police Commission for review. In ten such cases involving different forces across the Province, the Police Commission has ruled eight times in the Board's favour. This makes it very difficult for a municipality to prepare a budget which is reflective of the needs of the community. The budget process weighs all the competing demands and allocates on the basis of priorities. "It is also a mechanism by which citizens can evaluate the performance of their election representation."³⁴ The police budget is exempt from this process and what happens is that other services are cut or reduced to accommodate the police budget. In Niagara, the Police budget accounts for 22% of the Region's total expenditures (1988). Under the current scheme, Mr. Kitchen points out Regional Council are deprived of control over the largest single item in their budget. He recommends that the Police Department be required to present their budget to Regional Council for approval in exactly the same manner as a department of Regional Government and the decision of Council should be final as it is for any other Regional Department.

These issues are worth noting as the Province has recommended Regional Policing for Ottawa-Carleton which is discussed later in this paper.

Sewers and Solid Waste Management

In the Region of Niagara, sewers are a shared responsibility, the Region is responsible for treatment and trunk sewers, and local municipalities are responsible for local sewers. (Identical to the existing situation in Ottawa-Carleton). In his study, he noted inefficiencies with this division of responsibility. He states, "there is no incentive for the respective jurisdictions to implement changes that could benefit the other party, for example, fixing storm sewers that lead directly into sanitary sewers. If the pipes are in the local system and the Region is responsible for treatment, there is no incentive for the local municipality to fix the pipes, the overflow at the treatment plant is not their problem."³⁵ Mr. Kitchen recommends that the Region of Niagara assume complete control over the sewer system so as to create a system, that is more cost efficient.

Waste management in Niagara Region is completely controlled by the local municipalities which makes the Niagara Region the only Region in Ontario with no responsibility for solid waste management. As a result of the fragmented approach in Niagara the system is not efficient in collection and disposal nor is

it effective in planning for the future. Mr. Kitchen expressed concerns about the ever tightening Provincial regulations concerning the establishment of landfill sites and the local municipality's ability to undertake the approval process. This, combined with the fact that significant economics of scale can be achieved by Regionalizing solid waste management, led Mr. Kitchen to recommend Regionalization in his report. He also cites the precedent established in other Regions and the Ministry of the Environment's position of encouraging Regional responsibility for waste management.

Even though the local municipalities contract out garbage collection, Mr. Kitchen is of the view that there will not be any incentives other than the tipping fee to encourage local municipalities to introduce recycling programs if collection stays a local responsibility. Given that there are no problems with the current system and tipping fees can be used effectively to encourage recycling if the Region has control of the landfill sites, Mr. Kitchen is recommending that collection of solid waste remain a local responsibility.

Economic Development

Like Mr. Bartlett in his review of Ottawa-Carleton, Mr. Kitchen heard a variety of comments and concerns about economic development in the Niagara Region. In his report , he defines local economic development "as any activity that seeks

to expand, diversify, and strengthen the economic base of a municipality"³⁶, either in a reactive or proactive manner depending on the economic development policy set by the particular Council. He goes on to describe the shared responsibility for economic development that exists in Niagara Region. The Region and area municipalities have developed a mutually agreed upon assignment of functions, with the Region's responsibilities being carried out by the Niagara Region Development Corporation (NRDC). The NRDC functions in an arms length relationship with Regional Council in much the same manner and with the same type of Board of Directors as the Ottawa-Carleton Economic Development Corporation. It also has a strategic plan containing six major objectives which guides its activities.

Setting the stage, Mr. Kitchen goes on to describe the ineffectiveness of municipal economic development on locational decisions made by private sector companies. In his analysis, the influences of the local municipality were not factors in businesses locating in the Region. The NRDC has been criticized much like OCEDCO for not attracting businesses to local municipalities for those municipalities' benefit. He states that this criticism is unfounded because the local municipalities, the school boards and the Region benefit from having a new business locate in the Region because the overall tax assessment in the Region improves. A business locating in a particular municipality improves that municipality's situation only marginally when the increased assessment is

balanced against the increased costs incurred by the municipality with the business locating there. He states that the primary focus of economic development should be on providing the assistance required to allow existing businesses to expand and he sees this as a local responsibility. He recommends that the NRDC continue with its promotional activities because other municipalities in the Province and elsewhere have similar agencies. In addition, he recommends that there be formal joint policy coordination amongst the area municipalities so that duplication of service can be eliminated, and advice policy direction and implementation can be provided to both the Region and Local municipalities.

Because tourism and economic development are so intertwined in the Niagara Region, Mr. Kitchen is recommending that the Region Niagara Tourist Board be amalgamated with the Niagara Region Development Corporation.

Summary

As indicated earlier, Mr. Kitchen's report was submitted to the Minister of Municipal Affairs in the spring of 1989. None of his recommendations were formally implemented in Niagara Region. However, his research and recommendations on the issues that are being reviewed in this paper are very informative and will be an integral part of the review of the Province's recommended changes to Ottawa-Carleton.

Haldimand-Norfolk Regional Review

The Honourable L.T. Pennell, P.C., Q.C. was appointed by Order-in-Council in July 1987 and commenced in November 1987 to re-examine the structure in Haldimand-Norfolk. Specifically, the Honourable Mr. Pennell was to look at "the functions, costs and finances of both the Region and its six area municipalities and alternatives to the present form of Regional Government, including the reallocation of services between the Region and the area municipalities, and fair and equitable municipal representation, decision-making and accountability."³⁷

In his discussion, he outlines his view of why Regional Government was introduced in Ontario. He noted that the nature and scale of services provided by local governments grew rapidly in the 1960's especially in social services and health services with a corresponding growth in local government expenditures. On the other hand, he states that revenue sources for local government have not changed substantially over the years, which lead to local municipalities experiencing financial problems. As a result, Regional Government was introduced so that it could manage Region-wide issues such as health services and waste disposal using a pool of assessment to finance these services. The local municipalities would be left with locally important issues such as local roads with sufficient resources to manage them. He noted that the most common form of

Regionalization is the federation of a large influential urban centre with its immediate land area within a county or district. In this way the advantages of the City as an assessment resource can be shared with the residents of the non-urban area so that services can be provided throughout the Region. Haldimand-Norfolk created in 1973 is an exception, as it does not have a large urban centre, in fact it is predominantly rural with a few small towns. However, when it was created it was envisioned that Townsend, a model town, was going to grow to be a large urban centre. Regional Government was put in place to manage this growth but it never happened. As a Region, it is very different from the Region of Ottawa-Carleton, but there are a few points worth considering from this review.

Political Structure

In the Region of Haldimand-Norfolk, Regional Councillors sit on Council by virtue of their office (six mayors) or indirectly elected to Council (thirteen) by virtue of being elected to the local Council. The Chair is selected by Regional Council either from amongst its membership or from outside of Council. In his review, the Honourable L.T. Pennell looked at five alternatives to the status quo:

- "1. Direct election, excluding mayors
2. Direct election, including mayors

3. Indirect election through Council appointed
4. Double direct, excluding mayors (elected to both councils)
5. Double direct, including mayors (elected to both councils).³⁸

He supports the direct election of Regional Councils from wards within local municipalities and the inclusion of the Mayors to form the link between the two levels of local government. He is supportive of this model because it adheres to the principles of accountability and representation, and addresses the significant workload of Regional Councillors by making them only responsible for Regional Issues. The Mayors would continue to have heavy workloads, but it is envisioned that the directly elected Councillors will perform most of the Committee work.

Police Services

Police Services in Haldimand-Norfolk are provided by two independent forces, the Haldimand-Norfolk Regional Police and the Ontario Provincial Police. When the Region was created, the Regional Force took over local municipal forces and the OPP continued to provide service to the rest of the municipalities free of charge. Provision was made in the legislation that the Regional force could take over any additional portion of the Regional area with approval of the Solicitor General. At the time of writing of the report, no requests had been made.

The OPP reports through senior detachment staff to the Solicitor General and the Regional Force reports to the Police Services Board, two distinct reporting relationships. This has not lead to a decline in effectiveness as the public have indicated they are satisfied that their needs are being met by the two forces. From an efficiency standpoint, problems were noted as a result of fragmented jurisdiction. For example, Regional Police driving through OPP's territory in response to calls and vice versa, and duplication of services. This lead to the conclusion that the delivery mechanism for police services in Haldimand-Norfolk is inefficient.

The Honourable L.T. Pennell recommends that the Region be divided better between the two forces to reduce inefficiencies, or that the Regional Police Services Board contract with the OPP for the provision of police service in certain areas where they are better able to provide service. On the issue of the Police Services Board, he is recommending that the membership be expanded to seven members, four from Regional Council and three Provincial appointees, similar to what the Niagara Review recommended.

Sewers and Solid Waste Management

Sewer collection and treatment in Haldimand-Norfolk is already the responsibility of the Region and through the review, the Honourable Mr. L.T. Pennell was told

that the management of the system worked very well and did not require any changes. He did not recommend any changes in his report.

Waste management, on the other hand, was split between the two jurisdictions with the Region responsible for disposal of waste and management of landfill sites and the local municipality responsible for collection. In his review, he noted that the establishment of new landfills is a long and involved process that requires a lot of resources. Haldimand-Norfolk has embarked on a program to establish a new landfill site in anticipation of their future needs. He was advised that they are managing their existing landfills properly and in cooperation with the local municipalities. The local municipalities have developed their own methods of collection and recycling programs tied in with their communities' needs. Most use private contractors to collect the waste in the most efficient manner possible. As a result of the effectiveness and efficiency of waste management practices in Haldimand-Norfolk, no changes were recommended by the Commission.

Economic development

Economic Development in Haldimand-Norfolk is the responsibility of the Regional Economic Development Department which reports to the Regional Planning and Development Committee. The Department has responsibility for promotion, marketing and the acquisition of lands for economic development

purposes. Local municipalities are not involved formally in economic development matters. In a study conducted for the review, it was noted that the best opportunity for economic development in the Region was the expansion of existing businesses.

The question posed was whether local municipalities should be involved in economic development or not. Arguments against included "duplication of activity, lack of resources at the local level, and divided responsibility was counter to the rationale of Regionalism being necessary to promote a more efficient and effective system of development in the Region."³⁹ Arguments in support included, limited activity already being carried out by local municipalities, and lower-tiers provide services critical to business - maintenance of local roads, collection of waste, provision of recreation facilities, etc. With these arguments in mind, the Commission recommended that local municipalities be given a limited formal role to play in economic development in the Region. They could market Regionally owned sites within their boundaries and could liaise with local industries and organizations to promote economic development. The Region would be responsible for commercial/industrial site development and sales, research and analysis, tourism and the creation and implementation of an economic development strategy for the Region. The strategy would be developed on the advice of the area municipalities and a new economic advisory committee

composed of business leaders from the community. His final recommendation was that the Region acquire and ensure that potential development sites be available in each area municipality, within the context of the Regional economic development strategy.

Summary

The Haldimand-Norfolk Review did not fully explore all the issues raised in this paper as the public were generally satisfied with the service delivery and the jurisdiction responsible. On the issue of representation and accountability, we have seen basically the status quo maintained. The major issue is the fragmented delivery of police services, which is an issue in the Ottawa-Carleton Region.

Task Force on Representation and Accountability in Metropolitan Toronto

In 1986, the Minister of Municipal Affairs established a task force of municipal staff representatives from Metropolitan Toronto and each of its member

municipalities to review the system of electing Metro-Toronto Councillors and to develop a system that met the following objectives:

- "1. Easily understood by the public;
2. Enables municipal politicians in Metro to devote more time to Metro issues;
3. Address the issues of representation, accountability and responsiveness at the Metro level."⁴⁰

The task force functioned as an advisory body to the Minister in analysing three Council systems and two options for the election of Metro Chair as alternatives to the status quo. Their report analyzes the options but does not make a recommendation on a preferred option. As part of their analysis, they looked at three issues relevant to this paper, the selection of Metro Council, electoral boundaries, and the size of Council. This summary will focus on these areas starting with the selection of Metro Council.

The three options for Metro Council selection are as follows:

1. Direct election of councillors to serve only in Metro Council

2. Direct election of councillors plus the mayors of each area municipalities
3. Double direct election where councillors would sit on both the local and Regional Council.

The direct election of Councillors has a number of advantages in the view of the task force including improved accountability because the electorate would be able to differentiate between who was serving on Metro and who was serving on the local Council. If the Metro Wards were designed on the basis of representation by population, their system would give the electorate equal access to their representatives. Other benefits include simplified electoral process, Councillors focused on Metro issues, and having more time to prepare for debates on issues of importance. The drawbacks of this system include the potential for competition and conflict between Metro and area Councils, as dual memberships would no longer exist. The lack of formal linkages also has the potential to weaken the cooperation and coordination which existed between Metro and the local municipalities.

Direct election of Councillors plus the Mayors has the advantages noted above and some others. In the opinion of the Task Force, by having the Mayors on Metro Council, the electorate, plus the local Council, can hold the Mayor responsible for the decisions of Metro Council. The potential for conflict is

reduced as the Mayors can try to mediate between Regional and local interests. Finally, the Mayors provide the vital link between the two Councils which can enhance communication between the two levels.

In the Double Direct system, Councillors would sit on both local as well as Metro Council. The only positive comment on this system was that Regional Councillors would have a very good understanding of local concerns when making Metro decisions. There are many drawbacks however, including too much local influence on Metro Council decisions, as the Councillor would be accountable to the area municipal constituency. The dual nature of representation prevents a voter from sending representatives exclusively to Metro Council, and results in blurred accountability. Finally, due to the workload, there would not be enough time to adequately address both local and Metro issues which means representation at both levels would suffer.

On the issue of Metro Ward Boundaries, the Task Force looked at three options:

1. Metro wards contained within area municipal boundaries
2. Metro wards crossing area municipal boundaries
3. At-large election within area municipal boundaries.

They examined the strengths and weaknesses of each option. With Metro wards contained within area municipal boundaries, a single Metro Councillor per ward would reaffirm the one person/one vote principle and is easily understood by the electorate. It would also preserve identification with area municipalities and help retain the Federal concept of Metro Government. A weakness is that it would be difficult to implement representation by population in Metro Council because the different population densities would make it difficult to draw wards with similar populations within all municipalities. Also, the continued recognition of area municipal boundaries in forming Metro Wards might encourage the domination of local interests on Metro Council.

In the Metro Wards crossing municipal boundaries option, the domination of local interests is eliminated. By the nature of the system, Councillors would be forced to deal with broader issues. Cross boundaries would also raise the profile of Metro as a legitimate level of government dealing with Metro-wide issues. The principles of accountability and representation would be preserved. On the negative side, the public may find this system confusing because wards would cross municipal boundaries. There would be a reduction of the local municipal voice at the Metro level which could lead to conflict and rivalry between the local municipalities and Metro. This would be offset if the Mayors were able to sit on Metro Council.

The third option is the at-large election of Metro Councillors from within local municipalities. Each at-large Councillor would represent the entire electorate of the area municipality and the implementation of the system would be easy as no wards would have to be drawn. Councillors would also have the time to represent their constituents and work on Metro issues. These are the only positive aspects of this system. There are many negatives. This system would strengthen the Councillors' identification with the local municipality and could continue to encourage parochialism. Accountability to the electorate would be difficult given the size of the electorate and multiple numbers of representatives. The cost of running at-large is high which would discourage otherwise strong candidates. Finally, representation by population would be difficult to implement given the different sizes of the local municipalities.

The size of Metro Council has grown over the years from twenty-four in 1953 to thirty-nine in 1986. Part of the reason for the review of Metro Government was the alleged lack of representation on Metro Council, however, the Minister indicated to the Task Force that increasing the size of Council could not be the only answer to representation issues.

For equity purposes, representation-by-population models were developed and evaluated. The models that proposed larger Councils expanded the opportunity for more people to participate in, and be accountable for, the governing process.

It also provided for a greater sharing of the workload on boards and committees and making people more accountable in that regard. On the negative side, larger Councils lead to organizational problems and can be the stimulus for lengthy debate. From a political perspective, the ability to influence decisions is reduced as there are more members to convince. It would also be difficult for a Chair to manage a Council of this size. Finally, the larger the Council, the greater costs in salaries and support.

A smaller Council would cost the taxpayers less. With few Councillors voter recognition of Metro Councillors and their stand on issues would be heightened and therefore accountability would be enhanced. If the seats are divided up on the basis of representation by population then everyone would continue to have equal access to their Councillor. On the downside, with a smaller Council there may be problems in sharing the committee workload although if the Mayors were permitted to sit on Council, the workload would be eased. If the Councillors were elected exclusively to sit on Metro Council then they would have the time to do the work required.

The Province reviewed the report from the Task Force in November 1996 and introduced changes for the 1988 Municipal Election. A Metro Council of thirty-four was established with twenty-eight members elected from Metro Wards from within municipal boundaries along with the six local Mayors. The Chair was to

be selected from within Council amongst the twenty-eight directly elected Councillors. So far the reviews have been mixed. Some say that Metro Council is too detached, others say that Metro is finally making the right decisions on issues of importance to the whole area. The system probably needs one more election before a true assessment can be done.

City of Winnipeg Restructuring

In the late 1950's, the Greater Winnipeg Investigating Commission was created by the Manitoba Provincial Government to study the problems faced by the Winnipeg Region. In 1959, the Commission recommended the creation of a two level structure of municipal government patterned on the Metropolitan Toronto model. In 1960 the Provincial Government enacted the necessary legislation creating a Regional level of government with ten directly elected Councillors from wards that crossed municipal boundaries. The local Mayors were not included on Regional Council.

The Region assumed many of the services that Regional Governments in Ontario assumed when they were created, ie. water and sewers, transit, roads, solid waste disposal and some other more traditional local services such as control over Regional parks, land use control, building standards and property maintenance. The local municipalities controlled education, housing, police, fire, social

services, local parks and local roads. The division of powers was based on the Metro Toronto model with variations to remedy the perceived defects of that model. For example, Metro Toronto could produce land use plans but the municipalities retained the power to regulate land use and issued building permits (implementation tools). In Winnipeg, Regional Council was given the authority to implement its own land use plans. This model also represented a compromise in the division of power, between the urban and suburban municipalities.

Conflicts quickly emerged after the reorganization, in particular between the Regional Council and the area municipalities, over the loss of control over planning and development related responsibilities and the lack of local representation on Regional Council. As a result of these conflicts, the Manitoba Government commissioned numerous reviews to try and identify means of improving the system.

In 1969, a new Provincial Government was elected and they established a Cabinet Committee on Urban Affairs which was asked to review Provincial policy on local government. In 1970, they released a report which recommended the consolidation of all twelve area municipalities into one unit with a forty-nine member Council elected from single-member wards. Numerous benefits were put forward such as the rationalization and increased efficiency of the provision of services, and the creation of a single administrative structure. Community

committees were proposed comprised of City Councillors representing adjacent wards to administer and control services that were local in nature. These committees were thought to improve citizen access and participation in local government through resident advisory groups attached to each committee. The legislation to create the "UniCity" as Winnipeg became called was enacted in 1971 with the only substantial change from the Committee's recommendation being the Mayor was to be elected at-large rather than by the Council from amongst its members, as was originally proposed.

From the start concerns were expressed about the new system and in response the Province again commissioned reviews. In response to one report from a Committee known as the Taraska Committee, a number of changes were implemented. The number of community committees and advisory groups was reduced and the number of Councillors was reduced from forty-nine to twenty-nine. On the whole, however, the Committee found the new structure to be working well, a unified administration providing consistent services, an accountable and representative Council, formal mechanisms for citizen participation, and was easily understood by the electorate.

In 1989, further changes were made to enhance the powers of the Mayor and the position of Council Speaker was created to replace the Mayor as Presiding Officer. In 1991, changes were made to the size of Council reducing it to fifteen

members from twenty-nine with an average of 41,200 citizens per ward. By comparison, the Ottawa-Carleton Region has a total of eighty-four elected municipal politicians representing a population similar to that of Winnipeg.

In 1992, a rural municipality called Headingly seceded from Winnipeg after a five year campaign by residents. They were of the view they were not receiving any services for their tax dollars so they wanted out. The Province enacted the necessary Legislation and they became the 106th rural municipality in Manitoba. The tinkering goes on.

CHAPTER IV

Responses to the Ottawa-Carleton Regional Review (Kirby) Commission

Recommendations

Public Opinion

During the preparation of the Final Commission Report, two public opinion phone surveys were conducted on Municipal Government issues in the Ottawa-Carleton Region. One of the surveys was commissioned by the Review Commission and was conducted by the Coopers & Lybrand Consulting Group. Its focus was on obtaining the public's views on possible changes in the structure of Local Government. The research issues were as follows:

- "- awareness of the services provided by the Regional and Municipal Governments;
- satisfaction with the current structure of Local Governments;
- perceived need for change;
- preferred options for change; and
- influencing factors in the support for change."⁴¹

The research had a number of interesting findings. Seventy-nine percent (79%) of the respondents are satisfied with the services provided by the Regional Government and 88% of the respondents stated they are satisfied or somewhat satisfied with Local Governments. On the other hand, 83% of the respondents agree that there is a need for change in the current structure or in the roles of Regional or Local Governments. Of the six options for change suggested, the option that received the most support (58%) was maintaining the two levels of Government with the combination of some municipalities. The least popular option was the elimination of the Regional Government giving all their responsibilities to the municipalities. The majority (72%) of respondents would support a change if it resulted in economic benefits, even at the expense of making local government more distant. "Citizens are prepared to have less access to their local politicians and accept the current level of taxation and survive, if it means more economic development. However, there is a strong resistance to any change that will result in any increase in taxes."⁴²

The second public opinion phone survey was commissioned by ten local mayors, Ottawa excluded, and its purpose was to find out "the views of residents as well as the business community in Ottawa-Carleton with regard to one-tier government, regional fire and police forces and the existing school boards."⁴³

The results of the survey are split into two categories - responses by households, and responses by businesses. Accordingly, this paper will summarize the findings in this way.

On the issue of change to Municipal Governments, 33% of the residents of Ottawa-Carleton favour the status quo, 47% would like some unspecified changes in the existing Municipal Governments, and 20% are undecided. More than 34% of the residents do not approve of one-tier government in place of the eleven local municipalities and only 24% approve of this change. Fifty percent (50%) of respondents would even approve one-tier government if their taxes decreased as a result. Of those indicating support for one-tier government, 46% would change their mind if it meant higher taxes. Less than 12% would continue to support it if it meant higher taxes.

On the issue of Regionalized Police Services, 40% of the population are undecided and 39% are in favour. The reasons indicated in support of Regional Policing include, "more efficiency, lower costs and uniformity of standards."⁴⁴

The business community has some slightly different views on the issues being questioned. Twenty-nine percent (29%) are in favour of one-tier government and 29.6% are opposed to it, with 52% stating it was time for a change. Opposition

to one-tier is stronger outside than within the City of Ottawa. Opposition is quite strong even if one-tier means lower taxes, on the other hand, support for one-tier is quite soft if it means higher taxes.

The business community's views on Regional Policing is almost identical to the residents' views with 41% undecided and 38% in favour.

The two surveys commissioned with different objectives produced very similar results. The people of Ottawa-Carleton are generally pleased with their Municipal Government structure, but support some changes to the status quo as long as it does not result in higher taxes. Interestingly enough, this is the view of the area municipalities and the Region, which is summed up in the Region's response to the Ottawa-Carleton Regional Review Commissioner Report. They are basically happy with the structure, but support a number of changes that would make the system more effective and efficient and more understandable.

RMOC Response to the Ottawa-Carleton Regional Review Commission

The reason this paper is only examining the RMOC response and not any others, is that it was produced by a Committee of all the area Municipalities' Chief Administrative Officers (CAOs) along with the Region's CAO, and submitted to Regional Council for approval. This author, having attended most of the

meetings on behalf of his CAO, can state the recommendations contained in the RMOC response reflect a consensus of opinion by the area CAOs. Individual municipal briefs put particular emphasis on certain points because the issues are close to them, but generally all the municipalities supported what is in the RMOC brief.

Political Structure

The Region (and area municipalities) support the maintenance of the two-tier structure of government in the Region as an accountable form of Municipal Government. They support the division of responsibilities on the basis that services that are of a regional nature are best planned, implemented and managed by one body on behalf of the entire Region. Services of a local nature that are reflective of community preferences are best managed by a local municipality.

The Region supports a Regional Council of thirty members (as opposed to twenty-nine recommended by Kirby) composed of nineteen directly elected Councillors from wards within municipalities elected on the basis of representation by population. They support the Mayors sitting on Regional Council with full voting privileges with the exception of the Mayor of Rockcliffe Park Village who would not have a vote. They support the continued election-at-large of the Chair.

Finally, they agree that the number of municipal politicians in Ottawa-Carleton should not exceed the present eighty-four.

Police Services

The Region does not support the Regionalization of police services as "it would result in considerable downloading of costs from the Province to the Region, and a financial obligation not currently imposed on other townships."⁴⁵ They are also of the view that if police services are Regionalized, it should become a Regional Department reporting to Council. However, as this is highly unlikely, they have requested that the Police Services Board be structured in a similar manner to the Ottawa-Carleton Transit Commission, which is composed of Regional Councillors. They also support the elimination of the Police Services Board right of budget appeal so that their budget is reviewed in a manner consistent with other departments in the Region. Their final comment was that any transitional or start-up costs to Regionalize police services should be funded by the Province.

Sewers and Solid Waste Management

Whereas the Review Commission supported Mr. Bartlett's recommendations that the Region assume responsibility for all parts of the sanitary sewer system, the Region disagrees, but states they "support the adoption of a 'product stewardship'

approach. Significant environmental improvements to the community will be possible, principally through better overall environmental management of the sewage system. This approach would provide the ability to efficiently and effectively allocate resources to solve area-wide problems given a broader Regional perspective."⁴⁶ They go on to say that the Region should be responsible for planning and design criteria for all sewers of Regional significance, a term which is undefined. It would appear that the Region is supporting the Review Commission's recommendation, but cannot say so for political reasons.

On the issue of solid waste management, the Region supports the Regionalization of solid waste collection and recycling. They cite the new Provincial waste diversion policies which make the jurisdictional split in solid waste management cumbersome and puts the Region and local municipalities in a classic entanglement dilemma. They also cite policy advantages to an integrated, waste diversion, collection and disposal system for solid waste at the Regional level from an efficiency and effectiveness standpoint.

Economic Development

The Region supports the Review Commission recommendation that they be given

the primary responsibility for the development and implementation of a comprehensive economic development strategy for the Region. They cite a recent Economic Task Force report which defines a new role for the Region in economic development including the following activities:

- "- act as a facilitator to develop and implement specific economic initiatives, policies and programs;
- provide resources for economic development actions aimed at improving the local business environment;
- lobby other levels of government on behalf of the Region's residents and businesses for renewed economic support and interest in the Nation's Capital;
- develop partnerships with private and public organizations to promote and market economic development opportunities; and
- lead and foster an economic vision for Ottawa-Carleton."⁴⁷

The Region supports these ideas and has established an internal staff committee to work within the Region to implement the recommendations and to work with local municipalities on land availability, servicing, zoning and related development issues. On the issue of holding of land for industrial purposes, the Region is of the view that this function is appropriately administered by the local

municipalities, but the Region should have the opportunity "to participate in joint ownership of an industrial park with a Local Municipality, or to hold industrial land of Regional significance."⁴⁸ To authorize this activity, the Region supports amendments to the RMOC Act.

To summarize, the Region (and Local Municipalities) were generally supportive of the recommendations contained in the Review Commission's Report. In their concluding comments, they asked that the Minister consider that there is agreement with many of the recommendations and that he enact the necessary legislation to formally bring about the changes agreed to.

Provincial Response to Review Commission Recommendation

Mr. Kirby's final report was submitted to the then Minister of Municipal Affairs, the Honourable David Cooke on November 4, 1992. In the spring of 1993, Mr. Cooke became the Minister of Education and Ed Philip became the Minister of Municipal Affairs. Mr. Cooke, representing a riding from the City of Windsor, was responsible for a number of portfolios and is known as a powerful Cabinet Minister in Premier Rae's Cabinet. Mr. Philip represents a riding in central Ontario and had been the Minister of Industry, Trade and Technology (MITT), a fairly junior Ministry. The two gentlemen have very contrasting styles. Mr. Cooke is very driven, forms his opinions and is effective in having his programs

approved. An example of this is the City of London annexation. A tough, unpopular decision but he made it and went on to other things. Mr. Philip, on the other hand, is a consensus seeker. His record at MITT shows a Minister that was at his best when introducing programs that would help industry. A good example of this was when he was in Ottawa to announce the Province's support for the Ottawa-Carleton Health research park. A win-win for everyone.

Mr. Kirby's report was with the Province for seven months before a decision was announced. During that period the government had the opportunity to consult the previous studies cited in this paper, the public, local politicians and area provincial M.P.P.'s including the lone New Democratic Party representative from Ottawa-Carleton, the Minister of Housing, the Honourable Evelyn Gigantes from the riding of Ottawa-Centre, a downtown riding.

As evidenced by the statements of Mr. Kirby in his three reports, the Province was very concerned about the health of the core of Ottawa-Carleton. The nations capital - Ottawa was in danger of experiencing the same problems as cores of other large metropolitan areas, it was in danger of being abandoned by people as they moved to the suburbs. The evidence was there as Ottawa's population had been declining steadily from 1971 onward both in absolute numbers and in percentage of the Region's population. This population decline coupled with the

City of Ottawa's fiscal crisis of mounting debt, almost zero reserve funds and the loss of Federal Government payments in lieu of taxes to the Region as a result of market value assessment being implemented gave every indication that Ottawa was heading for ruin unless something could be done to control the exodus to the suburbs and the fiscal crisis. It is my assertion that Mr. Cooke with his first hand knowledge of the decline of the City of Detroit and Ms. Gigantes with her in-depth knowledge of City of Ottawa affairs were instrumental in the decisions the Province made to reform Ottawa-Carleton. The following is a detailed overview of the decision in relationship to Ottawa.

On July 22, 1993, the Minister of Municipal Affairs, the Honourable Ed Philip, came to Regional Headquarters and announced that the Government was going to introduce legislation to implement reforms to Regional Government in Ottawa-Carleton in response to the Ottawa-Carleton Regional Review Commission's recommendations. The author was in attendance with representatives from the other local municipalities, the Region, the press and the public. The main reforms proposed are as follows:

- "- a directly elected Regional Council consisting of eighteen directly elected Regional Councillors and the Regional Chair. The area Mayors will not sit on Regional Council;

- Regional responsibility for police services effective January 1, 1995;
- legislative authority for the Region to assume complete responsibility for the sewer system and for solid waste management, upon the enactment of required by-laws by Regional Council; and
- exclusive Regional authority for the acquisition of land for economic development purposes."⁴⁹

A background document from the Ministry of Municipal Affairs to the Regional Reform Legislation (Bill 77) was used by the Minister to explain his decision on the changes proposed. It is a brief summary of the rationale for each section of the Legislation and is attached as Appendix 2.

Political Structure

The Minister indicates that the removal of area Mayors from Regional Council is premised on the need to have a Council which is accountable to the electorate and not local councils. The inclusion of Mayors in the Minister's opinion, causes substantial inequities in the representation system for the electorate across the

Region. He goes on to state "that if there was more parity in the size of the Local Municipalities, allowing area Mayors to continue would have been considered."⁵⁰

The Regional Ward System is to be designed on the basis of representation by population with one average ward size of 37,000 electors. This amount may vary plus or minus 25%, 47,000 electors or 28,000 electors respectively. The City of Ottawa is to have a Council of eleven members composed of a Mayor and ten elected Councillors. The average ward size is 31,000 electors plus or minus 25%. Due to the size of the local Ottawa wards, they correspond almost identically with the Regional Wards for Ottawa. They have 55% of the total for only 47% of the population.

Police Services

The Minister indicated that a new Regional Police Services Board would be established effective January 1, 1995 and at that point, all members of Municipal Police Forces become employees of the new Police Services Board. Arrangements for the delivery of police services will be made by the Board in conjunction with the Ministry of the Solicitor General and Correctional Services which may include contracting with the OPP to continue to provide services in

the rural areas. All municipalities will contribute to the costs of policing in the Region as of January 1, 1995 and amalgamation of the three forces will occur on January 1, 1996. The Minister also stated that OPP police officers and staff will be given priority in hiring for a period of one year if OPP service is no longer contracted. The Minister also indicated that some transitional funding may be available to assist with the increased costs as a result of implementing Regional Policing. Finally, all assets and liabilities of the existing municipal forces are to be assumed by the Regional Police Services Board.

Sewers and Solid Waste Management

The Minister advised that amendments to the RMOC Act have been introduced that give the Region the power to assume control over the entire sewer system if it so desires. It can only exercise this power through the passage of a by-law at Regional Council. Regional Council may also levy fees for the use of the sewer system and collect it in a manner it deems appropriate. As with Police Services, if the Region assumes responsibility for sewers it must assume all assets and liabilities of the system as well.

With respect to solid waste management, the Minister advised that Bill 7, an Act to amend certain Acts related to Municipalities concerning waste management, is

proposing to give to Regions in Ontario, including Ottawa-Carleton, under Part X - Waste Management, Section 150, the authority to assume any or all of the waste management powers for all of its area municipalities through the passage of a by-law dealing with the matter. He indicated that it is his intention to have Bill 7 enacted in the fall sitting of the Legislature.

Economic Development

The Minister advised that the Region is to have exclusive authority at their discretion for the acquisition of industrial, commercial and institutional lands for economic development purposes. The area municipalities will be able to continue to develop any industrial properties they currently own but will not be able to acquire any more lands. The Region and the Local Municipalities can continue to share the promotional aspect of economic development. This decision was made because the Minister is of the view that economic development needs a stronger Regional focus in order for the Region to prosper into the next century.

CHAPTER V

Analysis of Proposed Changes and Suggested Alternative Approaches

The Province is determined that Bill 77 will proceed through the Legislation in the fall session in time for municipalities to start preparing for the 1994 Municipal Election. The Minister has stated that he will consider changes to the Legislation but only if the rationale for amendments is solid. The area Clerks are meeting to design the local and Regional Ward Boundaries, the area Mayors are discussing their situation and developing arguments to put forward, the police chiefs are meeting to begin planning for the implementation of the Regional Police Force, and the area economic development officers have been discussing their new roles. These meetings will generate requests for amendments to the Legislation, but it is highly unlikely changes will be made. In this chapter arguments will be made to demonstrate how the Regional Reform package will benefit Ottawa and make recommendations on how to lessen the impact on the remaining municipalities.

Political Structure

The exclusion of the Mayors from Regional Council is understandable if the only criteria for the composition of Council is that councillors be selected on the basis of representation by population. There are, however, additional criteria that must be considered such as accountability, and the balance of local and regional views. By not having the mayors on Regional Council, the Council is not accountable and representative to the local municipal corporations which also make up the Region. This borrows from Mr. Bartlett's argument that "In the planning and delivery of many municipal services and in the establishment of common negotiating positions, the advantages of the Regional Municipality on the one hand, and of the cities and townships on the other, must complement each other and mesh clearly. Neither level of government can operate effectively without sensitivity to the concerns of the other."⁵¹ Without the mayors administrative consultation would be the only discussion mechanism and the local municipalities would always be at a disadvantage because their counterparts could always take their position to Regional Council. We saw that the Regional Government in Winnipeg failed in part because of a lack of communication and coordination between the Regional Council and the local councils.

If the Mayors were included, the size of Regional Council would go from nineteen to thirty members. The Mayors would be in the minority and that is appropriate because they would not be expected to play a leading role in governing the Region. They would be there to represent their local Councils, they would not be permitted to chair any Regional Standing Committees, and they could not have more than two out of the seven members on any Regional Committee. Only one of them would be permitted to sit on the Executive Committee on an annual rotational basis. They would be able to participate and vote on Regional Council, but directly elected councillors would manage the affairs of the Region and be accountable to the electorate.

With respect to Regional Ward Boundaries, there are not too many options when the main criterion is representation by population, and the populations of the local municipalities is so varied. Election at-large within a local municipality or Regional Wards entirely within a local municipality does not achieve representation by population because the population ranges from 314,000 to 12,000. The only option that is feasible for direct election are wards that cross municipal boundaries.

The Minister's proposal has eighteen Regional Wards with ten either entirely in Ottawa or shared with another municipality. This gives Ottawa potentially 55% of the vote on Regional Council with less than 50% of the population, a matter of grave concern to the other municipalities. If the Mayors were to sit on Council, then Ottawa would have eleven of thirty which is more reasonable given the Region's population. If the Mayors were to remain off Regional Council, it is suggested that the size of Regional Council be expanded to twenty members and that the two additional seats be used for Regional Wards in the populated growth areas of the Region outside the greenbelt. This would result in a more balanced Regional Council and would also make the division of Regional Wards easier to accommodate the fast growing suburban areas. It is also consistent with the representation by population principle advocated by the Province. The current arrangement is unacceptable because it effectively places the control of Regional Council with City of Ottawa representatives. Being directly elected from Ottawa Regional Wards means that they will respond to the needs of their constituents before considering the needs of those outside the core: the priority for funding will shift from growth related capital projects to refurbishing the existing infrastructure in the core. Increased spending on social programs will occur as the City of Ottawa has the greatest number of welfare recipients and people below the poverty line. The focus will shift from suburban issues to urban issues if the Province's recommendations are implemented.

Police Services

The Honourable René J. Marin was commissioned by the area municipalities excluding Ottawa to look at alternatives to establishing a Regional Police Force. Mr. Marin's report, Review of Police Services - Ottawa-Carleton was released in June 1993. In his report, he looks at several options to that being proposed by the Province. He looked at the amalgamation of the Nepean, Ottawa and Gloucester forces into one force and the continuance of the OPP in the rural areas; he looked at the expansion of the Nepean and Gloucester forces to provide services to the rural parts of the Region west and east of the Rideau River respectively, he looked at maintaining the current number of forces but consolidating some specialized services with one force for the use by the other forces in the Region, and he looked at maintaining the status quo.

Maintaining the status quo was eliminated immediately because the public supported some changes to the system to improve efficiency and effectiveness. The consolidation of the urban forces inside the greenbelt and the use of the OPP outside was examined and it was felt that if the Province legislated Regional Policing, this would be the preferred model. A Regional Police Services Board would be created to oversee the consolidated force with OPP services provided to the rural areas on a contract basis.

The expansion of the Nepean and Gloucester forces into the rural area was not accepted because it meant the rural areas would have to start paying for policing where in the past, they have not had to pay extra for OPP services. The composition of the Police Services Boards, under this arrangement, would also be difficult to determine.

The Honourable R.J. Marin ended up recommending maintaining the current number of police forces, but consolidating specialized functions within the City of Ottawa Police Department. This option, he asserts, would decrease the cost of policing to the taxpayers and would make the service across the Region more efficient. The services he is proposing be consolidated are the Court Liaison and Court Security System including prisoner escort, the telephone system, the security and training functions of the three municipal forces for savings in recruiting expenses and greater economics of scale in training, and the communication, dispatch and records management systems including a common voice communication channel across the Region. He is also proposing an integrated drug enforcement squad to deal with the problem of drugs across the Region, an integrated tactical team, and an integrated criminal intelligence unit.

This option does not greatly improve effectiveness because the individual municipal forces are already very effective as it asserted, but it does make the delivery of police services in Ottawa-Carleton more efficient for a potential savings of \$1.5 million dollars. However, once these services are consolidated, services left with the local forces include patrol and minor crime functions. It would appear that the Honourable Mr. Marin has recommended Regionalization without formally putting it in place. In fact, he states that he would have recommended Regionalization of Police Services had it not been for the increase in costs estimated to be between \$7 to \$11 million dollars as a result of service levels rising to Ottawa's level. The other major factor in his decision was the accumulated sick leave bank that exists in the City of Ottawa for police officers hired prior to 1984. He was informed that this plan is unfunded and the estimated liability is between \$40 and \$50 million dollars. (It has also been discovered that a \$30 million dollar debt exists for the new City of Ottawa Police Headquarters. The new headquarters in Nepean and Gloucester are already paid for.

The Province appears to have noted this problem in their decision to establish a Regional Police Force effective January 1, 1995. The legislation states that "the assets and liabilities of the area municipalities related to the provision of police services become assets and liabilities of the Regional Corporation without

compensation."⁵² This means that the \$50 million dollar sick leave liability and the \$30 million dollar Police Headquarters liability become the responsibility of the Region.

The option proposed by Mr. Marin is unacceptable because it is essentially Regional Policing without calling it that, and for all its implementation challenges, only results in annual savings of \$1.5 million dollars out of a total police services budget of \$79 million dollars or 1.9% of the total budget. On the other hand, the Province's proposal is unacceptable because it puts the whole cost of Regionalization on the taxpayers of Ottawa-Carleton.

I support Regional Policing but I would recommend that Regional Policing be provided under the management of a Police Services Board composed of seven members, four from Regional Council for accountability purposes, and three Provincial appointees, consistent with recommendations from other reviews. The Board would have the option to contract out OPP services for the rural areas if they wished. I would require that the Province provide phase-in money to ease the tax burden on rural residents who will experience significant tax increases to pay for the new system. The Province would have to continue providing the per capita grant to municipalities to assist municipalities with police costs. In addition, the legislation would have to be amended so that the residents of

municipalities which incurred liabilities in managing their police forces would be required through special area levies to reimburse the Region for assuming the liability. It is only fair that the residents of a municipality that incurred the debts should have to pay for them. The residents of municipalities who have had well managed police forces should not have to pay for the poor decisions of the City of Ottawa.

The option that I recommend incorporates the principles raised in the various reviews such as ensuring accountability and representation of the Police Services Board, improving the efficiency and effectiveness of the Police Service while being sensitive to community needs, assisting with short-term financial problems with the promise of long-term gain, and respects the principle that those who have enjoyed lower taxes through decisions to defer dealing with liabilities should be responsible for most of the costs to return to a balanced account. Under this option, Regional Policing would be an asset to the Region of Ottawa-Carleton.

Sewers and Solid Waste Management

The Province is providing the Region with the authority to assume control over the local sewers thereby making the water and sewer system completely under the jurisdiction of the Region. If it wishes the additional responsibility, it must do

so by by-law enacted by Regional Council. In assuming the responsibility it must assume all existing assets and liabilities of the local systems. In the City of Ottawa, there is a \$700 million dollar liability which is the cost of upgrading and repairing the storm and sanitary sewers in the City. They have been neglected for years and as a result there is a major infiltration of stormwater into the sanitary system causing overflow situations at the treatment plant. To meet Provincial discharge standards, these sewers will have to be repaired. The Province is restricting any overflow into the Ottawa River.

The arguments put forward in support of this changes by the various other Regional Reviews that have been mentioned earlier in the paper. The key argument has been that by splitting the system, each jurisdiction is making decisions concerned only with its own responsibilities, and not with the most efficient operation of the system as a whole. Control of the full sanitary sewer system by the Region would recognize the full Regional scope of this closed system. Resources could be allocated for what is best for the system as opposed to a particular jurisdiction.

The only additional option to maintaining the status quo was developed by the Cities of Nepean and Gloucester on the principle of total infrastructure management. In their view, the local sewer is just one component of a road right-of-way and under the principle of total infrastructure management, should

be managed along with the other components (ie. road, sanitary sewer, storm sewer and water main). These programs identify the condition of major infrastructure components in the road allowance, prioritize needs and develop cost-effective rehabilitation strategies within budget allocations. The urban areas have worked with the Region to include condition rating data of the Region's watermain system so that they can develop the rehabilitation programs for this system as well.

The alternative suggestion is that the local municipalities be responsible for all the infrastructure in the local road allowances and the Region be responsible for all the infrastructure in the Regional road allowances. The argument is that the public can be better served by staff who are knowledgeable about their particular municipality. It is more efficient because it would be either Regional or local staff that would be called out to address a problem, not both jurisdictions. For example, if sanitary sewers become the responsibility of the Region and there is a plugged drain, both the Region and the local municipality would be called out, the Region to examine the sanitary sewer and the local municipality to examine the storm sewer. When a watermain bursts on a local road, the Region fixes the pipe and the local municipality fixes the road. This alternative would address these problems by making one jurisdiction responsible for all infrastructure based on the designation of the road.

On the other hand, having the system under one jurisdiction would ease confusion in the mind of the public; they would just have one place to call for service. It also places the accountability for the system with one body which is an important principle in any political system. In addition, under one jurisdiction, proper long-term planning can be done for the benefit of all residents. This has worked well for the Regions of Durham, Peel and Halton which have complete responsibility for the collection and disposal of sewage.

It is recommended that when the Legislation is enacted, that the Region exercise its option and assume control over the local sewers. To deal with the \$700 million dollar cost of upgrading the City of Ottawa's sewers which deteriorated because of a lack of investment, it is recommended that a special area levy be placed on the water bill of Ottawa residents to pay for the upgrades. In that way, those who benefited from lower taxes because of decisions not to rehabilitate the sewers would now have to pay.

Solid Waste Collection

The Province, through Bill 7, is giving every Region in Ontario the option of assuming complete control over the management of solid waste. The arguments for maintaining the status quo or moving the responsibility to the Region have

been discussed in the proceeding chapters and are compelling. The other Regional Reviews were split on this issue, but generally supported local waste collection.

When faced with two service delivery options of equal merit, it is beneficial to look at the criteria used when Regions were created to determine which services should be delivered by the Regional level and apply them to the service under review. The criteria used were economics of scale, responsiveness to local concerns, redistribution, and spill-over effect. Economics of scale are achieved, as we have discussed, when the cost of a service declines when the quantity provided increases, responsiveness to local concerns are those services that are of particular interest to the people of the community and should be delivered by the local level, redistribution is when a wealthy jurisdiction helps provide service to less well-off municipalities because the service is too expensive for the local municipality, and spill-over effort is when the impact of the service touches many municipalities or the service cannot be contained by municipal boundaries.

As we have seen, solid waste collection is already efficiently delivered in Ottawa-Carleton by a private contractor who has a contract with a partnership of local municipalities. Increases in the economics of scale would not be achieved by the Region assuming responsibilities for collection. Recycling on the other hand,

may see benefits as the Region could focus on those items that either add a lot of bulk to the landfill or there is high market value for the material. Currently, recycling is fragmented, which means some products are not being collected at all or some are being collected at such lower volumes that it is almost not worthwhile. Regionalization of recycling would standardize service.

Obviously, on the criteria of responsiveness to local needs, it is clear that solid waste collection is a service that has been tailored to local needs, and that is why it is still a local responsibility in many parts of the Province.

The redistribution criteria may have been a factor when the Region was first created because some of the municipalities were so small, but they have grown, developed a tax base and can afford to deliver solid waste collection to their residents at a reasonable cost.

The spill-over effort is not an issue here because solid waste does not impact other municipalities. Each has its own collection arrangement which is paid for by the taxpayers. The only marginal impact is on the City of Nepean, where the Regional landfill is located.

In this case, application of the criteria has not helped so it is necessary to look at other factors. As the Region indicated, the Province has put in place new waste diversion policies that will get more restrictive as time passes. In order to achieve the targets set for it by the Province, the Region needs something more than the punitive tipping fee to encourage municipalities to increase their waste diversion. If the Region had control over the collection, in addition to their disposal responsibilities, they could develop policies and practices that would meet the needs of the residents as well as the Province. When the situation warrants, the Region will have the authority to assume control over the entire system. On this basis, the Region has a greater ability to achieve the Province's waste diversion targets, the assumption of waste collection responsibilities by the Region is supported.

Economic Development

The Province has proposed that the Region have exclusive responsibility for the purchase of land for industrial and commercial purposes with the Region and local municipalities sharing marketing programs. Local municipalities would be permitted to develop those lands they already own.

Different models for the provision of economic development activities were looked at in earlier chapters ranging from the Regional Economic Development Corporation/Local Departments model, to Regional Departments of Economic Development/no local activity model. The preferred model is the model recommended for Haldimand-Norfolk where the Region has the vested responsibility for economic development and exercises it through a Regional Economic Development Department reporting to a Standing Committee of Council and delegates to the local municipalities certain limited activities. The Region is responsible for commercial/industrial site development sales, Provincial and National Marketing and all relevant research and analyses, Tourism, and the Development of an Economic Development Strategy. The local municipalities are responsible to market Regionally owned commercial/industrial sites located within their municipalities to existing businesses in cooperation with the Region, and to liaise with local industries and/or organizations such as the Chamber of Commerce, to promote economic development within their boundaries.

In addition to the above, it is recommended that two standing advisory committees be created to provide advice to the Standing Committee. One advisory committee would be comprised of economic development officers from the local municipalities, and the other would be comprised of business people from the community. The primary purpose of these two advisory committees

would be to work with the Standing Committee and with the support of Regional staff, plan, develop and implement a Regional Economic Development Strategy. They would also keep Regional Councillors informed of their activities and concerns and assist in policy development where required.

This proposal would see the disappearance of OCEDCO as a corporation in Ottawa-Carleton to be replaced by a Regional department reporting to the Standing Committee. This model would greatly improve accountability and responsibility for the success or failure of economic development initiatives by the Region and for the resources it allocates to this function each year, and it would integrate the activity with the other Regional policies such as the Official Plan and Strategic Plan. It would also eliminate harmful competition among the local municipalities as they spend money to try and attract businesses away from each other.

Economic Development leadership would be vested in the Region allowing it to compete on a Regional basis for new development. As Allen O'Brien said in his draft paper Municipal Consolidation and its Alternatives, the main reason to consolidate economic development is that, "with a Global economy and free trade agreements, municipalities have to be concerned about major economic decisions, little subject to their influence, which are pulling the rug from under them.

Competition in the pursuit of industrial development from several municipalities in one urban Region can be very costly and even destructive of the Region's potential." This is often true as surveys have indicated that businesses are turned away by the myriad of rules that control Economic Development in Ottawa-Carleton.

Although not covered by this paper, the Regional assumption of VON/VHS services is another example of where a decision was taken to benefit the City of Ottawa. The existing legislation requires that municipalities assume 50% of the costs of this service with the Province assuming the other 50%. The City of Ottawa, due primarily to the age of its population, has historically been the main purchaser of VON/VHS services. Of the total service provided, the City of Ottawa purchases 80% with the other municipalities assuming the rest. With the transfer of responsibility of this service to the Region, it means that the Regional taxpayer will have to assume the 50% portion from the municipalities. Regional taxes are collected on the basis of assessment which means that Ottawa taxpayers with 64% of the assessment in the Region will pay 64% of the costs of VON/VHS services even though they are receiving 80% of the service. The City of Gloucester taxpayers which received 10% of the service will now pay 13% of the costs. The same situation occurs for other municipalities. The City of Ottawa taxpayer is the winner as their financial obligations drop 16% through the Regionalization of VON/VHS services.

Clearly it can be seen that a number of the changes proposed in Bill 77 directly benefit the City of Ottawa. If the legislation is passed without the amendments proposed, an unfair burden will be placed on the taxpayers of Ottawa-Carleton outside the City of Ottawa as they will be required to pay for the debts incurred by the City.

With respect to the changes pertaining to Economic Development, the Province did not go far enough. They should have made the Region responsible for Economic Development with the authority to delegate to the local municipalities certain responsibilities. This would have ensured a coordinated approach to Economic Development which is critical to the future health of the Region.

CHAPTER VI

Implications for the Future of Local Government in Ottawa-Carleton

If Bill 77, the Act to implement changes to the Region of Ottawa-Carleton is enacted as proposed, numerous changes to the manner in the Region is governed will become apparent.

First, local government will become more expensive and the taxpayers will either have to pay more, receive fewer services or both. The cost of providing Regional Policing to those areas currently receiving OPP services is expected to cost between \$7 and \$11 million dollars annually as a result of service level changes. The office costs of the new Regional Councillors will be significant if the new Regional Councillors have the same salaries and office support that the Metro Toronto Councillors receive.

Second, with the Mayors not sitting on Regional Council, there will be problems of coordination and cooperation between the Regional Council and the local councils as the communication links and negotiation levers are no longer there. Municipality staff will have a difficult time negotiating with the Region as they will no longer have the political fall-back position to use as leverage. In the past if local staff were unable to reach agreement on an issue with Regional staff, the

opportunity always existed that the local Regional Councillor could solicit political support and raise the matter at a Regional Committee or Council and have the matter decided in the local municipality's favour. This will no longer exist.

Third, as a result of the mayors not being on Regional Council, a new type of politician may emerge. Someone who is a skillfull negotiator, knows how to influence people, has the proper business connections, and is respected in the community. The era of individuals who are used to getting their way through intimidation may be over as local politicians will have to work with their Regional counterparts in an arms length relationship. Also, with local councillors and mayors not having Regional responsibilities, their jobs may become forty hour per week jobs instead of the estimated seventy hours per week which was a disincentive to many in entering local politics.

Fourth, by creating a Regional Council dominated by Ottawa representatives, the focus of the Region will shift from suburban issues such as transportation and growth to urban issues such as social programs and infrastructure upgrades. Once Regional Council has control over the sewers, money will be diverted from growth related projects, which have dominated the Region during its existence, to social programs and infrastructure upgrades. This will create tensions on Regional Council as the suburban municipalities will no longer have the Regional infrastructure required for growth.

Fifth, it is predicted that the Region will move quickly to assume responsibility for local sewers and solid waste collection. This will have a major impact on the Cities of Nepean and Gloucester as they use a significant portion of the sewer levy on the water bill to fund related engineering activities. Without this revenue source, engineering positions will become mill rate supported which will result in tax increases, or they will be eliminated. There will also be impacts on other staff as some will no longer be needed for sewer related works.

Sixth, economic development in the Region will continue to be fragmented and disjointed as the local municipalities compete with each other for business. The difference is that they will be promoting Regional industrial/commercial lands in addition to their own. Promotional campaigns of OCEDCO and the local municipalities will continue to duplicate each other. The Region will continue to be an unattractive place to locate.

Finally, given the Ottawa domination on Regional Council, I see the urban core of Ottawa preserved and possibly enhanced through policies inserted in the Official Plan such as those that limit growth and encourage infilling and intensification in existing areas so that Ottawa, as Canada's capital, remains vibrant.

Conclusion

The three studies of Regional Government in Ottawa-Carleton all concluded with the view that the two-tier structure of local government in Ottawa-Carleton was basically sound and all that was needed was some fine tuning in some areas of shared responsibility. The two public opinion surveys conducted as part of the Kirby Commission review process confirmed this view. The area municipalities agreed with most of Mr. Kirby's recommendations with the exception of his recommendations dealing with Regional Policing and the Region's assumption of the sewer system. The message to the Province was consistent: the structure is fine, all that is required is some minor changes to the way services are delivered.

The Province took Mr. Kirby's report, Mr. Bartlett's report, Katherine Graham's analysis, public opinion and the views of elected officials and decided, in the year of Ottawa-Carleton's 25th anniversary, to make major changes to the structure and functions of local government in this Region. Of Mr. Kirby's forty-one recommendations, the Province is implementing two: Regional Policing and Regional control over the sewer system. They did not approve his recommendation pertaining to Economic Development as the Region is being given the exclusive authority to acquire lands for industrial/commercial purposes. The local municipalities will no longer be permitted to do so under the Legislation. The Province has accepted Katherine Graham's recommendations

with respect to the size of local Councils, cross boundary Regional Wards and that there be eighteen Regional Wards. The Province is also transferring responsibility for VON/VHS and Street Vendor Licensing to the Region, two issues that had already been argued would be transferred to the Region. The Province did not accept the recommendations of Bartlett, Graham and Kirby, the recommendations of Regional Review Commissions and the experience of the City of Winnipeg and make the area Mayors part of Regional Council. As well, by accepting Katherine Graham's recommendations for the number of local and Regional Councillors, they have dictated that the City of Ottawa representatives will have potentially ten seats out of eighteen on Regional Council, 55% of the seats for 46% of the Region's 1991 population.

These changes will undoubtedly make Regional Government in Ottawa-Carleton more powerful as it will have control over future growth of the Region. Previously, because of the make-up of Regional Council local municipalities through their Regional representatives were able to have policies for growth approved by gaining political support from other municipalities that had similar interests. With the direct election of Regional Councillors and the exclusion of the Mayors, local priorities will no longer dominate the decisions of Regional Council. The new Council will be able to decide on issues on the basis of what is best for the Region as a whole. The major problem with this is that there is a strong possibility this will not happen with a City of Ottawa dominated Regional

Council. Decisions will be driven by what is in the best interests of the residents of Ottawa, as opposed to the residents of the outlying municipalities.

During his review, Mr. Kirby often stated that everyone in the Region should be concerned with the health of the core. He states that the Region has been fortunate that the Federal Government has spent so much money keeping the core healthy and vibrant as part of its program to ensure Canada's Capital is an attractive place. He warns that this will not continue forever as the Federal Government cuts funding to the National Capital Commission, reduces the number of public servants and transfers departments to other parts of the Country. He states that the Region and local governments, as a result, will have to do more to preserve the health of the core than they have ever done before.

I believe the Province accepted this view and that is what they made the decisions they did. From the selection of Mr. Kirby, the former Executive Director of the National Capital Commission, the agency responsible for keeping the Nation's Capital a national treasure, to the ridding at Ottawa's \$780 million dollar liability, to the decision of giving the City of Ottawa the majority on Regional Council, all point to the Province's interest in preserving the core of the Region. Mr. Cooke, the former Minister of Municipal Affairs who hails from Windsor across the

St. Clair River from the City of Detroit, which has one of the most blighted cores of any U.S. City, and Ms. Evelyn Gigantes, the lone NDP representative from Ottawa-Carleton who happens to represent a downtown Ottawa riding, would both have an interest in preserving the core.

However, the future of Ottawa-Carleton is uncertain. It is really up to the electorate in the people they choose to be their representatives on their local Council and Regional Council. It is these elected officials who will either make or break this new structure. I sense that by the Municipal Election in the year 2000, we should have a good idea whether the proposals for change contained in Bill 77 will work.



3RD SESSION, 35TH LEGISLATURE, ONTARIO
42 ELIZABETH II, 1993

3^e SESSION, 35^e LÉGISLATURE, ONTARIO
42 ELIZABETH II, 1993

Bill 77

Projet de loi 77

An Act to amend certain Acts related
to The Regional Municipality of
Ottawa-Carleton

Loi modifiant certaines lois relatives
à la municipalité régionale
d'Ottawa-Carleton

The Hon. E. Philip
Minister of Municipal Affairs

L'honorable E. Philip
Ministre des Affaires municipales

Government Bill

Projet de loi du gouvernement

1st Reading July 22, 1993
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 22 juillet 1993
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTES

The major amendments set out in the Bill are as follows:

1. The Bill provides for direct elections of regional councillors, including the chair of the Regional Council, in The Regional Municipality of Ottawa-Carleton. The composition of the Regional Council and of the local councils and the establishment of regional and local wards systems is to be determined by order of the Minister for the 1994 election. For subsequent elections they may be determined by the Ontario Municipal Board.
2. A police services board for The Regional Municipality of Ottawa-Carleton is established on January 1, 1995 and, on that date, the police services boards of the area municipalities are dissolved. The regional police services boards stand in the place of the police services boards of the area municipalities for all purposes. The transition provisions are set out in sections 32.4 to 32.9.
3. The Regional Corporation is authorized to acquire land for the purpose of sites for industrial, commercial and institutional uses.
4. The Regional Council is given the power to pass by-laws regulating street vendors, including establishing a permit system. The Regional Council may by by-law authorize an area municipality to administer the street vending by-law.
5. The Regional Council is given broader powers respecting sewage works.

NOTES EXPLICATIVES

Les principales modifications apportées par le projet de loi sont les suivantes :

1. Le projet de loi prévoit l'élection par suffrage direct des conseillers régionaux, y compris le président du conseil régional, dans la municipalité régionale d'Ottawa-Carleton. La composition du conseil régional et des conseils locaux ainsi que la mise sur pied de systèmes de quartiers régionaux et locaux doivent être déterminées par arrêté ministériel pour l'élection de 1994. Pour les élections ultérieures, elles peuvent être déterminées par la Commission des affaires municipales de l'Ontario.
2. Est créée une commission de services policiers pour la municipalité régionale d'Ottawa-Carleton le 1^{er} janvier 1995, date à laquelle sont dissoutes les commissions de services policiers des municipalités de secteur. Les commissions de services policiers régionales remplacent, à tous égards, les commissions de services policiers des municipalités de secteur. Les articles 32.4 à 32.9 contiennent des dispositions transitoires.
3. La Municipalité régionale est autorisée à acquérir des biens-fonds s'ils sont destinés à servir d'emplacements à des fins industrielles, commerciales ou collectives.
4. Le conseil régional peut désormais adopter des règlements municipaux réglementant les vendeurs ambulants, notamment par l'établissement d'un système d'octroi de licences. Il peut également, par règlement municipal, autoriser les municipalités de secteur à appliquer le règlement municipal portant sur la vente dans la rue.
5. Le conseil régional acquiert des pouvoirs plus étendus à l'égard des ouvrages d'égouts.

**An Act to amend certain Acts related
to The Regional Municipality of
Ottawa-Carleton**

**Loi modifiant certaines lois relatives à
la municipalité régionale
d'Ottawa-Carleton**

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

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

**PART I
REGIONAL MUNICIPALITY OF
OTTAWA-CARLETON ACT**

**PARTIE I
LOI SUR LA MUNICIPALITÉ RÉGIONALE
D'OTTAWA-CARLETON**

1. Section 1 of the *Regional Municipality of Ottawa-Carleton Act* is amended by adding the following definitions:

1 L'article 1 de la *Loi sur la municipalité régionale d'Ottawa-Carleton* est modifié par adjonction des définitions suivantes :

"local ward" means a ward established for electing a member to the council of an area municipality; ("quartier local")

«quartier local» Quartier constitué aux fins de l'élection d'un membre au conseil d'une municipalité de secteur. («local ward»)

"regional ward" means a ward established for electing a regional councillor to the Regional Council; ("quartier régional")

«quartier régional» Quartier constitué aux fins de l'élection d'un conseiller régional au conseil régional. («regional ward»)

2. Section 3, section 3.1, as enacted by the Statutes of Ontario, 1991, chapter 3, section 1, sections 4, 5 and 6, section 7, as amended by the Statutes of Ontario, 1991, chapter 3, section 1 and section 8 of the Act are repealed and the following substituted:

2 L'article 3, l'article 3.1, tel qu'il est adopté par l'article 1 du chapitre 3 des Lois de l'Ontario de 1991, les articles 4, 5 et 6, l'article 7, tel qu'il est modifié par l'article 1 du chapitre 3 des Lois de l'Ontario de 1991, et l'article 8 de la Loi sont abrogés et remplacés par ce qui suit :

3. The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council and,

3 Le conseil de chaque municipalité de secteur se compose d'un maire, qui est élu au scrutin général et qui est président du conseil, ainsi que des membres suivants :

(a) where there are local wards established in the area municipality under section 3 or 3.1, one member for each local ward who shall be elected by the electors of the ward; or

a) si des quartiers locaux ont été constitués dans la municipalité de secteur aux termes de l'article 3 ou 3.1, un membre pour chaque quartier local, élu par les électeurs du quartier;

(b) where there are no local wards established in the area municipality, the number of members of council established under section 3.1 or 3.2 who shall be elected by general vote.

b) si aucun quartier local n'a été constitué dans la municipalité de secteur, le nombre de membres du conseil fixé aux termes de l'article 3.1 ou 3.2, élus au scrutin général.

4. An area municipality shall not have a board of control.

4 Une municipalité de secteur ne doit pas avoir de comité de régie.

5. —(1) The Regional Council shall be composed of,

5 (1) Le conseil régional se compose :

(a) a chair who shall be elected by general vote of all of the electors of the regional municipality; and

a) du président, élu au scrutin général par tous les électeurs de la municipalité régionale;

Composition
of area
councils

Composition
des conseils
de municipa-
lité de secteur

No board of
control

Aucun comité
de régie

Composition
of Regional
Council

Composition
du conseil
régional

(b) one regional councillor for each regional ward established under section 8.1 or 8.2, elected for each regional ward by the electors of the ward.

b) d'un conseiller régional pour chaque quartier régional constitué aux termes de l'article 8.1 ou 8.2, élu par les électeurs du quartier.

Restrictions after polling day

(2) Section 107 of the *Municipal Act* applies with necessary modifications to the Regional Council.

(2) L'article 107 de la *Loi sur les municipalités* s'applique au conseil régional avec les adaptations nécessaires. Restriction

Election to Regional Council

6.—(1) Except as otherwise provided in this Part, the elections to the office of chair and of regional councillor shall be conducted in accordance with the *Municipal Elections Act* to be held concurrently with the regular election in the area municipalities.

6 (1) Sauf disposition contraire de la présente partie, l'élection aux postes de président et de conseiller régional se déroule conformément à la *Loi sur les élections municipales* et se tient en même temps que l'élection ordinaire dans les municipalités de secteur. Election au conseil régional

Qualifications

(2) A person is qualified to hold office as chair or as a regional councillor of the Regional Council.

(2) Une personne a les qualités requises pour exercer la charge de président ou de conseiller régional du conseil régional si les conditions suivantes sont réunies : Qualités requises

(a) if the person is entitled to be an elector under section 13 or 14 of the *Municipal Elections Act* for the election of members of the council of an area municipality; and

a) elle a le droit d'être un électeur aux termes de l'article 13 ou 14 de la *Loi sur les élections municipales* pour l'élection des membres du conseil d'une municipalité de secteur;

(b) if the person is not disqualified by this or any other Act from holding the office of chair or regional councillor, as the case may be.

b) elle n'est pas inhabile en vertu de la présente loi ou de toute autre loi à exercer la charge de président ou de conseiller régional, selon le cas.

Restriction

(3) Section 40 of the *Municipal Act* applies with necessary modifications to the Regional Council.

(3) L'article 40 de la *Loi sur les municipalités* s'applique au conseil régional avec les adaptations nécessaires. Restriction

Election of chair

7.—(1) For the purposes of the election of the chair of the Regional Council.

7 (1) Aux fins de l'élection du président du conseil régional : Election du président

(a) the clerk of the Regional Corporation is the returning officer;

a) le secrétaire de la Municipalité régionale est le directeur du scrutin;

(b) nominations shall be filed with the clerk of the Regional Corporation, who shall send the names of the candidates to the clerk of each other area municipality by registered mail within forty-eight hours after the closing of nominations;

b) les déclarations de candidature sont déposées auprès du secrétaire de la Municipalité régionale qui, dans les quarante-huit heures de la clôture des déclarations de candidature, fait parvenir par courrier recommandé le nom des candidats aux secrétaires des autres municipalités de secteur;

(c) despite clause (a), the clerk of each area municipality is the returning officer for the vote to be recorded in the area municipality and shall promptly report the vote recorded to the clerk of the Regional Corporation who shall prepare the final summary and announce the result of the vote.

c) malgré l'alinéa a), le secrétaire de chaque municipalité de secteur est le directeur du scrutin aux fins de l'enregistrement du vote dans la municipalité de secteur et fait part rapidement du vote enregistré au secrétaire de la Municipalité régionale qui prépare le sommaire définitif et annonce le résultat du vote.

Election of regional councillor

(2) For the purposes of the election of a regional councillor in a regional ward.

(2) Aux fins de l'élection d'un conseiller régional dans un quartier régional : Election d'un conseiller régional

(a) the clerk of the Regional Corporation is the returning officer;

a) le secrétaire de la Municipalité régionale est le directeur du scrutin;

(b) nominations shall be filed with the clerk of the Regional Corporation.

b) les déclarations de candidature sont déposées auprès du secrétaire de la

who shall send the names of the candidates to the clerk of each area municipality in which any part of the regional ward is situated by registered mail within forty-eight hours after the closing of nominations;

- (c) despite clause (a), the clerk of each area municipality is the returning officer for the vote to be recorded in the area municipality and shall promptly report the vote recorded to the clerk of the Regional Corporation who shall prepare the final summary and announce the result of the vote.

Municipalité régionale qui, dans les quarante-huit heures de la clôture des déclarations de candidature, fait parvenir par courrier recommandé le nom des candidats au secrétaire de chaque municipalité de secteur dans laquelle se situe toute partie du quartier régional;

- c) malgré l'alinéa a), le secrétaire de chaque municipalité de secteur est le directeur du scrutin aux fins de l'enregistrement du vote dans la municipalité de secteur et fait part rapidement du vote enregistré au secrétaire de la Municipalité régionale qui prépare le sommaire définitif et annonce le résultat du vote.

First meeting

(3) Despite any other Act, the first meeting of the Regional Council after a regular election shall be held not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

(3) Malgré toute autre loi, le conseil régional tient sa première réunion après une élection ordinaire au plus tard le quatorzième jour qui suit la date du début du mandat pour lequel l'élection a été tenue.

Première réunion

Oath

(4) Every member of the Regional Council, before taking his or her seat, shall take an oath of allegiance in Form 1 of the *Municipal Act* and make a declaration of office in Form 3 of the *Municipal Act* using either the English or the French version of those forms.

(4) Avant d'entrer en fonction, les membres du conseil régional prêtent le serment d'allégeance selon la formule 1 de la *Loi sur les municipalités* et font la déclaration d'entrée en fonction selon la formule 3 de la *Loi sur les municipalités* en utilisant soit la version française soit la version anglaise de ces formules.

Serment

Regulation

(5) Despite this Act or the *Municipal Elections Act*, the Minister may by regulation provide for those matters which, in the opinion of the Minister, are necessary or expedient to conduct the elections of the chair and the regional councillors.

(5) Malgré la présente loi ou la *Loi sur les élections municipales*, le ministre peut, par règlement, prévoir les questions qui, à son avis, sont nécessaires ou pertinentes en vue de l'élection du président et des conseillers régionaux.

Règlement

Conflicts

(6) In the event of a conflict between a regulation made under subsection (5) and this Act or the *Municipal Elections Act*, the regulation prevails.

(6) En cas d'incompatibilité entre un règlement pris en application du paragraphe (5) et la présente loi ou la *Loi sur les élections municipales*, le règlement l'emporte.

Incompatibilité

Quorum

8.—(1) A majority of the members constituting the Regional Council is necessary to form a quorum and the concurring votes of a majority of the members present at any meeting are necessary to carry any resolution or other measure.

8 (1) Le quorum est constitué de la majorité des membres du conseil régional. L'adoption des résolutions et la prise d'autres décisions par le conseil exigent le vote affirmatif de la majorité des membres présents à toute réunion.

Quorum

One vote

(2) Each member of the Regional Council has one vote.

(2) Chaque membre du conseil régional ne dispose que d'une voix.

Voix unique

Order establishing wards, etc.

8.1—(1) Despite this or any other Act, the Minister shall by order provide for:

8.1 (1) Malgré la présente loi ou toute autre loi, le ministre prévoit, par arrêté :

Arrêté constituant des quartiers

- (a) the number of regional wards in The Regional Municipality of Ottawa-Carleton;

- a) le nombre de quartiers régionaux dans la Municipalité régionale d'Ottawa-Carleton;

- (b) the boundaries of the regional wards;

- b) les limites des quartiers régionaux;

- (c) the name or number each regional ward shall bear;

- c) la désignation ou le numéro de chaque quartier régional;

- (d) the number of local wards, if any, in an area municipality;
- (e) the boundaries of the local wards;
- (f) the name or number each local ward shall bear;
- (g) if an area municipality does not have local wards, the number of members the council of the area municipality shall have in addition to the mayor.

- d) le numéro des quartiers locaux, le cas échéant, de chaque municipalité de secteur;
- e) les limites des quartiers locaux;
- f) le nom ou le numéro de chaque quartier local;
- g) si une municipalité de secteur n'a pas de quartier local, le nombre de membres de son conseil en plus du maire.

Number of regional wards

(2) An order of the Minister under subsection (1) shall establish eighteen regional wards.

(2) Dix-huit quartiers régionaux sont constitués par l'arrêté du ministre pris aux termes du paragraphe (1).

Nombre de quartiers régionaux

When effective

(3) An order of the Minister under subsection (1) shall come into force on December 1, 1994.

(3) L'arrêté du ministre pris aux termes du paragraphe (1) entre en vigueur le 1^{er} décembre 1994.

Entrée en vigueur

Power of Board

8.2—(1) Despite this or any other Act, upon the application of the Regional Corporation authorized by a by-law of its council, or upon the petition of electors in The Regional Municipality of Ottawa-Carleton, the Municipal Board may by order,

8.2 (1) Malgré la présente loi ou toute autre loi, sur requête de la Municipalité régionale autorisée par un règlement municipal de son conseil ou sur pétition des électeurs de la municipalité régionale d'Ottawa-Carleton, la Commission des affaires municipales peut, par ordonnance :

Pouvoir de la Commission

- (a) exercise the powers under clauses 3.1 (1) (a), (b) and (c); and
- (b) where, in the opinion of the Municipal Board, it is necessary or expedient in order to deal with an application or petition under this subsection, exercise the powers under clauses 3.1 (1) (d) to (g).

- a) exercer les pouvoirs prévus aux alinéas 3.1 (1) a), b) et c);
- b) exercer les pouvoirs prévus aux alinéas 3.1 (1) d) à g), si elle estime que l'exercice de ces pouvoirs est nécessaire ou opportun en vue de traiter une requête ou une pétition visée au présent paragraphe.

Division into areas

(2) Section 13 of the *Municipal Act* applies with necessary modifications to an application or petition under subsection (1).

(2) L'article 13 de la *Loi sur les municipalités* s'applique à une requête ou à une pétition visée au paragraphe (1) avec les adaptations nécessaires.

Division en quartiers

Power of Board

(3) Despite this or any other Act, upon the application of an area municipality authorized by a by-law of its council, or upon the petition of the electors of that area municipality in accordance with section 13 of the *Municipal Act*, the Municipal Board may by order,

(3) Malgré la présente loi ou toute autre loi, sur requête d'une municipalité de secteur autorisée par un règlement municipal de son conseil ou sur pétition des électeurs de cette municipalité de secteur conformément à l'article 13 de la *Loi sur les municipalités*, la Commission des affaires municipales peut, par ordonnance :

Pouvoir de la Commission

- (a) exercise the powers under clauses 3.1 (1) (d) to (g), with respect to the area municipality;
- (b) where, in the opinion of the Municipal Board, it is necessary or expedient in order to deal with an application or petition under this subsection,
 - (i) exercise any of the powers under clauses 3.1 (1) (a), (b) and (c), and
 - (ii) exercise any of the powers under clauses 3.1 (1) (d) to (g) in respect of any other area municipality.

- a) exercer les pouvoirs prévus aux alinéas 3.1 (1) d) à g) à l'égard de la municipalité de secteur;
- b) si elle estime que l'exercice de ces pouvoirs est nécessaire ou opportun en vue de traiter une requête ou une pétition visée au présent paragraphe :
 - (i) d'une part, exercer l'un ou l'autre des pouvoirs prévus aux alinéas 3.1 (1) a), b) et c),
 - (ii) d'autre part, exercer l'un ou l'autre des pouvoirs prévus aux alinéas 3.1 (1) d) à g) à l'égard d'une autre municipalité de secteur.

Contents of
order

(4) An order of the Municipal Board under this section shall accord with the following rules:

1. A local ward shall be located entirely within a regional ward.
2. Subject to paragraph 3, the boundaries of regional and local wards shall be established so that the number of electors in a regional ward or in a local ward shall, as near as possible, be the average number of electors calculated by dividing the total number of electors in The Regional Municipality of Ottawa-Carleton or in the area municipality, as the case may be, by the number of regional wards or local wards respectively.
3. The number of electors in a regional or local ward may vary up to 25 per cent from the average number of electors calculated under paragraph 2 if the Municipal Board is of the opinion that the variance is necessary or desirable because of,
 - i. the presence or absence of a community of interest,
 - ii. means of communication and accessibility,
 - iii. topographical features,
 - iv. population trends, or
 - v. special geographic considerations, including the sparsity, density or relative rate of growth or loss of population.

4. Only one member of Regional Council or the council of an area municipality shall be elected from each regional ward or local ward respectively.

5. The use of a ward system to elect members to the Regional Council shall not be eliminated.

Definition

(5) In paragraphs 2 and 3 of subsection (4), "elector" means a person whose name appears on the polling list certified under section 34 of the *Municipal Elections Act* and a person whose name is entered on the polling list under section 36, 36 or 61 of the *Municipal Elections Act*; for the last regular election preceding an order of the Municipal Board under this section.

Teneur de
l'ordonnance

(4) Une ordonnance de la Commission des affaires municipales rendue en vertu du présent article doit être conforme aux règles suivantes :

1. Un quartier local doit être entièrement situé dans un quartier régional.
2. Sous réserve de la disposition 3, les limites des quartiers régionaux et locaux sont fixées de façon que le nombre d'électeurs d'un quartier régional ou d'un quartier local correspondent, le plus possible, au nombre moyen d'électeurs calculé en divisant le nombre total d'électeurs de la municipalité régionale d'Ottawa-Carleton ou de la municipalité de secteur, selon le cas, par le nombre de quartiers régionaux ou de quartiers locaux respectivement.
3. Le nombre d'électeurs d'un quartier régional ou d'un quartier local peut varier de 25 pour cent, au maximum, par rapport au nombre moyen d'électeurs calculé conformément à la disposition 2 si la Commission des affaires municipales estime que cette variation est nécessaire ou souhaitable en raison de l'un ou l'autre des éléments suivants :

- i. l'existence ou non d'intérêts communs,
- ii. les moyens de communication et de transport,
- iii. les accidents de terrain,
- iv. les tendances démographiques,
- v. des facteurs géographiques particuliers, notamment la faible population, la densité ou le taux relatif de croissance ou de diminution démographique.

4. Chaque quartier régional ou quartier local, respectivement, n'élit qu'un seul membre au conseil régional ou au conseil d'une municipalité de secteur.

5. Le système des quartiers pour l'élection de membres au conseil régional ne doit pas être supprimé.

Definition

(5) Aux dispositions 2 et 3 du paragraphe (4), « électeur » s'entend d'une personne inscrite sur la liste électorale certifiée aux termes de l'article 34 de la *Loi sur les élections municipales* et d'une personne inscrite sur la liste électorale aux termes de l'article 36, 36 ou 61 de la *Loi sur les élections municipales* pour la dernière élection ordinaire tenue avant que la Commission des affaires municipales rende une ordonnance en vertu du présent article.

Order to prevail

(6) If there is a conflict between an order of the Municipal Board under this section and an order of the Minister under section 8.1, the order of the Municipal Board prevails to the extent of the conflict.

(6) En cas d'incompatibilité entre une ordonnance de la Commission des affaires municipales rendue en vertu du présent article et un arrêté du ministre pris en vertu de l'article 8.1, l'ordonnance de la Commission des affaires municipales l'emporte dans la mesure de cette incompatibilité.

Incompatibilité

When order effective

(7) An order made under this section shall come into effect on December 1, 1997 or on December 1 in any subsequent year in which regular elections under the *Municipal Elections Act* occur, but the regular elections held in that year shall be conducted as if the order was in effect.

(7) L'ordonnance rendue en vertu du présent article prend effet le 1^{er} décembre 1997 ou le 1^{er} décembre d'une année subséquente au cours de laquelle des élections ordinaires prévues par la *Loi sur les élections municipales* ont lieu. Toutefois, les élections ordinaires tenues cette année-là se déroulent comme si l'ordonnance avait pris effet.

Prise d'effet

Minister's inquiry

8.3—(1) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities of the Regional Corporation, the Minister may give notice to the Municipal Board of the inquiry and that, in his or her opinion, any application and any petition made under section 8.2 should be deferred until the inquiry has been completed.

8.3 (1) Lorsqu'il enquête sur la structure, l'organisation et le mode de fonctionnement d'une ou de plusieurs municipalités de secteur de la Municipalité régionale, le ministre peut aviser la Commission des affaires municipales qu'il fait enquête et que, à son avis, l'examen de toute requête et de toute pétition présentées aux termes de l'article 8.2 devrait être suspendu jusqu'à la conclusion de l'enquête.

Enquête du ministre

Effect of notice

(2) When the Minister gives notice under subsection (1), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

(2) Lorsque le ministre donne un avis en vertu du paragraphe (1), toutes les instances qui concernent les requêtes ou les pétitions visées sont suspendues jusqu'à ce que le ministre avise la Commission des affaires municipales qu'elle peut les poursuivre.

Effet de l'avis

Vacancies

8.4—(1) If a vacancy occurs on or before March 31 of an election year, as defined in the *Municipal Elections Act*, in the office of a member who is the chair or a regional councillor,

8.4 (1) Si la charge d'un membre qui est le président ou un conseiller régional devient vacante au plus tard le 31 mars de l'année d'élection au sens de la *Loi sur les élections municipales* :

Vacance

(a) the Regional Council shall appoint a person to fill that vacancy, and sections 45, 46 and 47 of the *Municipal Act* apply with necessary modifications to the filling of the vacancy as though those offices were the offices of mayor and councillor, respectively; or

a) soit le conseil régional nomme une personne pour combler cette vacance, et les articles 45, 46 et 47 de la *Loi sur les municipalités* s'appliquent, avec les adaptations nécessaires, au choix de la personne comme s'il s'agissait de la charge de maire ou de conseiller;

(b) the clerks of the Regional Corporation and the affected area municipalities shall hold an election to fill the vacancy and sections 46 and 47 of the *Municipal Act* apply with necessary modifications to the filling of the vacancy.

b) soit les secrétaires de la Municipalité régionale et des municipalités de secteur concernées tiennent une élection pour combler cette vacance, et les articles 46 et 47 de la *Loi sur les municipalités* s'appliquent, avec les adaptations nécessaires, à une telle vacance.

Method determined to by-law

(2) The Regional Council shall by by-law determine whether clause (1) (a) or (b) is to apply.

(2) Le conseil régional détermine, par règlement municipal, si l'alinéa (1) a) ou b) s'applique.

Méthode prévue par règlement municipal

Late vacancies

(3) If a vacancy occurs after March 31 of an election year, as defined in the *Municipal Elections Act*, in the office of a member who is the chair or a regional councillor, the Regional Council shall fill the vacancy in accordance with clause (1) (a).

(3) Si la charge d'un membre qui est le président ou un conseiller régional devient vacante après le 31 mars de l'année d'élection au sens de la *Loi sur les élections municipales*, le conseil régional comble cette vacance conformément à l'alinéa (1) a).

Vacance après le 31 mars

Expenses	(4) The Regional Corporation shall pay all reasonable expenses incurred by area municipalities with respect to the election under clause (1) (b).	(4) La Municipalité régionale paie les frais normaux que les municipalités de secteur ont engagés relativement à l'élection tenue conformément à l'alinéa (1) b).	Frais
Executive committee	8.5—(1) The Regional Council may establish an executive committee and assign to it such duties as it considers expedient.	8.5 (1) Le conseil régional peut créer un comité de direction et lui assigner les fonctions qu'il estime appropriées.	Comité de direction
Chair of committee	(2) The chair of the Regional Council shall be the chair of the executive committee.	(2) Le président du conseil régional est président du comité de direction.	Président du comité
	3. Subsection 30 (2) of the Act is repealed.	3 Le paragraphe 30 (2) de la Loi est abrogé.	
	4. Subsection 31 (2) of the Act is amended by striking out "and Part V applies with necessary modifications to a levy made under this section as though it were a levy made by the Regional Council under subsection 36 (1)" at the end.	4 Le paragraphe 31 (2) de la Loi est modifié par suppression, à la fin, de «La partie V s'applique, avec les adaptations nécessaires, à l'impôt prélevé en vertu du présent article comme s'il s'agissait d'un impôt prélevé par le conseil régional en vertu du paragraphe 36 (1).».	
	5. The Act is amended by adding the following Part:	5 La Loi est modifiée par adjonction de la partie suivante :	

**PART IV.1
POLICE**

**PARTIE IV.1
SERVICE DE POLICE**

Definitions	32.1 In this Part. "police board" means The Regional Municipality of Ottawa-Carleton Police Services Board; ("commission de police") "regional police force" means the regional police force that is under the government of the police board. ("corps de police régional")	32.1 Les définitions qui suivent s'appliquent à la présente partie. «commission de police» La Commission de services policiers de la municipalité régionale d'Ottawa-Carleton. («police board») «corps de police régional» Le corps de police régional qui relève d'une commission de police. («regional police force»)	Definitions
Dissolution of area boards	32.2 The police services boards of the area municipalities are dissolved on January 1, 1995.	32.2 Les commissions de services policiers des municipalités de secteur sont dissoutes le 1 ^{er} janvier 1995.	Dissolution des commissions de secteur
Establishment of regional board	32.3—(1) A police services board for The Regional Municipality of Ottawa-Carleton to be known as The Regional Municipality of Ottawa-Carleton Police Services Board, in English, and Commission de services policiers de la Municipalité régionale d'Ottawa-Carleton, in French, is hereby established on January 1, 1995.	32.3 (1) Est créée le 1 ^{er} janvier 1995 une commission de services policiers de la municipalité régionale d'Ottawa-Carleton appelée la Commission de services policiers de la Municipalité régionale d'Ottawa-Carleton en français et The Regional Municipality of Ottawa-Carleton Police Services Board en anglais.	Création d'une commission régionale
Deeming provision	(2) The police board shall be deemed to be a police services board established under section 27 of the <i>Police Services Act</i> .	(2) La commission de police est réputée une commission de services policiers créée aux termes de l'article 27 de la <i>Loi sur les services policiers</i> .	Disposition d'interprétation catégorique
Transition	(3) Despite section 27 of the <i>Police Services Act</i> , until a quorum of the first police board is elected or appointed under that section, the police board shall be composed of the members of the police services boards dissolved under section 32.2.	(3) Malgré l'article 27 de la <i>Loi sur les services policiers</i> , tant qu'un nombre suffisant de membres pour constituer le quorum ne sont pas élus ou nommés aux termes de cet article, la commission de police se compose des membres des commissions de services policiers dissoutes aux termes de l'article 32.2.	Disposition transitoire
Transfer of assets, liabilities	32.4—(1) On January 1, 1995, (a) subject to section 49.2, the police board stands in the place of the police	32.4 (1) Le 1 ^{er} janvier 1995 : a) sous réserve de l'article 49.2, la commission de police remplace à tous	Transfert d'actif et de passif

services boards dissolved under section 32.2 for all purposes:

- (b) the Regional Corporation stands in the place of the area municipalities for all purposes related to policing;
- (c) the assets and liabilities of the area municipalities related to the provision of police services become assets and liabilities of the Regional Corporation, without compensation; and
- (d) the assets and liabilities under the control and management of the police services boards dissolved under section 32.2 become assets and liabilities under the control and management of the police board, without compensation.

égard des commissions de services policiers dissoutes aux termes de l'article 32.2:

- b) la Municipalité régionale remplace les municipalités de secteur pour tout ce qui concerne le service de police;
- c) l'actif et le passif des municipalités de secteur relatifs à la prestation de services policiers deviennent l'actif et le passif de la Municipalité régionale, sans indemnité;
- d) l'actif et le passif dont le contrôle et la gestion relèvent des commissions de services policiers dissoutes aux termes de l'article 32.2 deviennent l'actif et le passif dont le contrôle et la gestion relèvent de la commission de police, sans indemnité.

Assumption of debts

(2) The Regional Corporation shall pay to an area municipality before the due date all amounts of principal and interest due upon any liabilities assumed by the Regional Corporation under subsection (1).

(2) La Municipalité régionale verse à une municipalité de secteur, avant la date d'échéance, la totalité du capital et des intérêts exigibles dès que la Municipalité régionale assume un élément de passif aux termes du paragraphe (1).

Responsabilité du passif

Interest

(3) If the Regional Corporation fails to make any payment under subsection (2) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per year, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(3) Si la Municipalité régionale ne fait pas de versement conformément au paragraphe (2) au plus tard à la date d'échéance, la municipalité de secteur peut lui demander des intérêts au taux annuel de 15 pour cent, ou au taux inférieur que fixe le conseil de la municipalité de secteur, à partir de cette date jusqu'à ce que le versement soit fait.

Intérêt

Arbitrator

(4) If there is a dispute as to whether or not any asset or liability pertains to a police services board dissolved under this Part, the Minister, upon application of the Regional Corporation or an affected area municipality, may appoint an arbitrator to determine the matter.

(4) S'il survient un différend sur la question de savoir si un élément d'actif ou de passif se rattache à une commission de services policiers dissoute aux termes de la présente partie, le ministre peut, sur requête de la Municipalité régionale ou d'une municipalité de secteur concernée, nommer un arbitre pour trancher la question.

Arbitre

Decision final

(5) The decision of the arbitrator is final.

(5) La décision de l'arbitre est définitive.

Décision définitive

By-laws, etc., to continue

32.5—(1) On January 1, 1995, all by-laws and resolutions of the police services boards dissolved under section 32.2 shall be deemed to be a by-law or resolution of the police board and shall remain in force in the area municipality for which they were passed until the earlier of,

32.5 (1) À compter du 1^{er} janvier 1995, les règlements municipaux et les résolutions des commissions de services policiers dissoutes aux termes de l'article 32.2 sont réputés respectivement des règlements municipaux et des résolutions de la commission de police, et demeurent en vigueur dans la municipalité de secteur à l'égard de laquelle ils ont été adoptés jusqu'à la plus rapprochée des dates suivantes :

Maintien en vigueur des règlements municipaux et des résolutions

- (a) the day they are repealed; and
- (b) December 31, 1998.

- a) le jour de leur abrogation;
- b) le 31 décembre 1998.

Same

(2) Despite subsection (1), all by-laws of a police services board made under the *Municipal Act* shall be deemed to be by-laws of the area municipality and shall remain in force in the area municipality for which they were passed until the earlier of,

(2) Malgré le paragraphe (1), les règlements municipaux d'une commission de services policiers pris en application de la *Loi sur les municipalités* sont réputés des règlements municipaux de la municipalité de secteur et demeurent en vigueur dans la municipalité de secteur.

Idem

- (a) the day they are repealed; and
- (b) December 31, 1998.

palité de secteur à l'égard de laquelle ils ont été adoptés jusqu'à la plus rapprochée des dates suivantes :

- a) le jour de leur abrogation;
- b) le 31 décembre 1998.

Limitation

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a police services board dissolved under section 32.2.

(3) Les dispositions du présent article n'ont pas pour effet d'abroger les règlements municipaux ou résolutions qui confèrent des droits, privilèges, concessions, immunités ou exonérations que n'aurait pu légalement abroger une commission de services policiers dissoute aux termes de l'article 32.2, ni n'ont pour effet d'en autoriser l'abrogation.

Restriction

Transfer of employees

32.6—(1) In this section, a reference to a member of the Ontario Provincial Police includes civilian staff employed to support the Ontario Provincial Police.

32.6 (1) Dans le présent article, la mention d'un membre de la Police provinciale de l'Ontario comprend le personnel civil employé pour servir la Police provinciale de l'Ontario.

Mutation d'employés

Same

(2) Every person who is a member of a police force of the City of Gloucester, the City of Nepean or the City of Ottawa on July 1, 1994 and continues to be so employed on December 31, 1994 shall, on January 1, 1995, become a member of the regional police force.

(2) Quiconque est membre d'un corps de police de la cité de Gloucester, de la cité de Nepean ou de la cité d'Ottawa le 1^{er} juillet 1994 et est toujours employé à ce titre le 31 décembre 1994 devient, le 1^{er} janvier 1995, membre du corps de police régional.

Idem

Priority where takeover

(3) If the regional police force takes over the policing of any area from the Ontario Provincial Police, the police board shall, in accordance with the regulations, give priority in hiring for a period of one year following the date of the takeover to every person who on the day before the takeover was a member of the Ontario Provincial Police and whose duties primarily related to that area.

(3) Si le corps de police régional prend en charge le maintien de l'ordre d'un secteur relevant de la Police provinciale de l'Ontario, la commission de police donne, conformément aux règlements, la priorité, lorsqu'elle embauche au cours de la période d'un an qui suit la date de la prise en charge, à quiconque était, le jour précédant la prise en charge, membre de la Police provinciale de l'Ontario et exerçait des fonctions principalement rattachées à ce secteur.

Priorité en cas de prise en charge

Same

(4) If the Ontario Provincial Police takes over the policing of any area from the regional police force, the Ontario Provincial Police shall, in accordance with the regulations, give priority in hiring for a period of one year following the date of the takeover to every person who on the day before the takeover was a member of the regional police force and whose duties primarily related to that area.

(4) Si la Police provinciale de l'Ontario prend en charge le maintien de l'ordre d'un secteur relevant du corps de police régional, elle donne, conformément aux règlements, la priorité, lorsqu'elle embauche au cours de la période d'un an qui suit la date de la prise en charge, à quiconque était, le jour précédant la prise en charge, membre du corps de police régional et exerçait des fonctions principalement rattachées à ce secteur.

Idem

Proviso

(5) Nothing in subsection (3) or (4) requires the regional police force or Ontario Provincial Police to hire persons during the one-year period following a takeover.

(5) Le paragraphe (3) ou (4) n'a pas pour effet d'exiger du corps de police régional ni de la Police provinciale de l'Ontario l'embauche de personnes au cours de la période d'un an qui suit la prise en charge.

Reserve

Arbitrator

(6) If a dispute arises as to whether a person meets the requirements set out in subsection (3) or (4), any affected party may apply to the Ontario Civilian Commission on Police Services to hold a hearing and decide the matter.

(6) S'il survient un différend sur la question de savoir si une personne remplit les conditions énoncées au paragraphe (3) ou (4), toute partie intéressée peut demander à la Commission civile des services policiers de l'Ontario de tenir une audience et de rendre une décision.

Arbitre

Decision final

(7) The decision of the Commission is final.

(7) La décision de la Commission est définitive.

Décision définitive

Terms

(8) A person who becomes a member of the regional police force or the Ontario Provincial Police under subsection (2), (3) or (4) shall.

- (a) receive a salary or wage at a rate not less than that the person was receiving on the day six months before he or she ceased to be a member of a police force of an area municipality, regional municipality or the Ontario Provincial Police, as the case may be; and
- (b) be credited with the same seniority that they had on the day they ceased to be a member of a police force of an area municipality, regional municipality or the Ontario Provincial Police, as the case may be.

(8) Toute personne qui devient membre du corps de police régional ou de la Police provinciale de l'Ontario aux termes du paragraphe (2), (3) ou (4) :

- a) d'une part, reçoit un salaire ou un traitement dont le taux ne doit pas être inférieur à celui qui lui était accordé six mois avant de cesser d'être membre d'un corps de police d'une municipalité de secteur, d'une municipalité régionale ou de la Police provinciale de l'Ontario, selon le cas;
- b) d'autre part, se voit reconnaître la même ancienneté qu'elle avait le jour où elle a cessé d'être membre d'un corps de police d'une municipalité de secteur, d'une municipalité régionale ou de la Police provinciale de l'Ontario, selon le cas.

Proviso

(9) Nothing in subsection (8) restricts the use of any power under the *Police Services Act* or the *Public Service Act*.

(9) Le paragraphe (8) n'a pas pour effet de restreindre l'exercice d'un pouvoir conféré par la *Loi sur les services policiers* ou la *Loi sur la fonction publique*.

Regulation

(10) Despite any Act, the Lieutenant Governor in Council may by regulation.

(10) Malgré toute loi, le lieutenant-gouverneur en conseil peut, par règlement :

- (a) provide for the security of employment, the protection of benefits including seniority and pensions and early retirement options for members and retired members of a police force of an area municipality, the regional police force and the Ontario Provincial Police, or any class thereof affected by the creation or dissolution of the regional police force or the expansion or reduction of the area to which the regional police force provides policing;
- (b) define "member" and "retired member";
- (c) provide for all matters respecting priority in hiring under subsections (3) and (4), including establishing criteria based on any type of work, job classification, or on any other individual or class basis.

a) prévoir la sécurité d'emploi, la protection des avantages sociaux dont l'ancienneté et les pensions ainsi que les options de retraite anticipée pour les membres et les membres retraités d'un corps de police d'une municipalité de secteur, du corps de police régional et de la Police provinciale de l'Ontario, ou une catégorie de ceux-ci, qui sont touchés par la création ou la dissolution du corps de police régional ou par l'expansion ou la réduction du secteur dans lequel le corps de police régional assure le maintien de l'ordre;

b) définir les termes «membre» et «membre retraité»;

c) prévoir les questions relatives à la priorité à donner en matière d'embauchage aux termes des paragraphes (3) et (4), y compris l'établissement de critères fondés sur le genre de travail ou la classification des emplois ou de critères de nature individuelle ou collective.

Same

(11) A regulation under subsection (10) may be retroactive.

(11) Tout règlement pris en application du paragraphe (10) peut avoir un effet rétroactif.

Arbitrator

(12) If a dispute arises as to whether or not subsection (8) or a regulation made under subsection (10) is being properly applied in any particular case, any affected party may, by giving written notice to the other parties, refer the dispute to arbitration.

(12) S'il survient un différend sur la question de savoir si le paragraphe (8) ou un règlement pris en application du paragraphe (10) est appliqué de façon appropriée dans un cas particulier, toute partie intéressée peut, à condition d'en aviser par écrit les autres parties, soumettre le différend à l'arbitrage.

Method of arbitration

(13) Subsections 124 (3) to (8) of the *Police Services Act* apply, with necessary modifications, to the arbitration.

(13) Les paragraphes 124 (3) à (8) de la *Loi sur les services policiers* s'appliquent, avec les adaptations nécessaires, à l'arbitrage.

Modalités de l'arbitrage

Decision final

(14) The decision of the arbitrator is final.

(14) La décision de l'arbitre est définitive.

Décision définitive

Continuation of police services

32.7—(1) The Ontario Provincial Police shall continue to provide police services in the area in which the Ontario Provincial Police was providing police services at no charge to the area municipalities on December 31, 1994 until the Ontario Civilian Commission on Police Services is satisfied that the Regional Corporation has discharged its responsibility under section 5 of the *Police Services Act* in respect of the area or any part thereof.

32.7 (1) La Police provinciale de l'Ontario continue d'offrir des services policiers dans le secteur dans lequel elle offrait des services policiers gratuitement aux municipalités de secteur le 31 décembre 1994 jusqu'à ce que la Commission civile des services policiers de l'Ontario soit convaincue que la Municipalité régionale s'est acquittée de l'obligation qui lui incombe aux termes de l'article 5 de la *Loi sur les services policiers* à l'égard du secteur ou de toute partie de celui-ci.

Maintien des services policiers

Costs

(2) The cost, certified by the Commissioner of the Ontario Provincial Police, of providing police services under subsection (1) shall be charged to the Regional Corporation and may be deducted from any grant payable out of provincial funds to the Regional Corporation or may be recovered with costs by action in any court of competent jurisdiction as a debt due to the Crown.

(2) Le coût, certifié par le commissaire de la Police provinciale de l'Ontario, des services policiers offerts aux termes du paragraphe (1) est à la charge de la Municipalité régionale et peut être déduit des subventions payables à la Municipalité régionale sur les fonds de la province ou peut être recouvré, avec dépens, par voie d'action intentée devant un tribunal compétent, en tant que créance de la Couronne.

Coût

Changes in cost

32.8—(1) Where the cost of providing police services to an area municipality changes in 1995 as a result of the establishment of a regional police force under this Part, the Regional Council may pass by-laws to limit the amount of the increases or decreases attributable to the area municipality in each year for a period not exceeding five years.

32.8 (1) Si le coût des services policiers offerts à une municipalité de secteur subit des changements en 1995 par suite de la création d'un corps de police régional en vertu de la présente partie, le conseil régional peut, par règlement municipal, limiter le montant des augmentations ou des diminutions attribuables chaque année à la municipalité de secteur pour une période ne dépassant pas cinq ans.

Changement du coût

Contents of by-law

(2) A by-law under subsection (1) shall set out the full amount of the change in the cost of providing police services in the area municipality that results solely from that establishment.

(2) Tout règlement municipal adopté en vertu du paragraphe (1) précise le montant intégral du changement du coût relatif à la prestation des services policiers dans la municipalité de secteur imputable uniquement à la création de ce corps de police régional.

Contenu du règlement municipal

Different rates

(3) Despite section 135.5 of the *Regional Municipalities Act*, the Regional Council may, in order to implement the limits in subsection (1), pass by-laws establishing rates of taxation for general regional purposes to be levied by the area municipality that are different from the rates which would have been levied but for this section.

(3) Malgré l'article 135.5 de la *Loi sur les municipalités régionales*, pour appliquer les limites prévues au paragraphe (1), le conseil régional peut, par règlement municipal, établir des impôts devant être prélevés par la municipalité de secteur aux fins régionales générales qui diffèrent des impôts qui auraient été prélevés si ce n'était du présent article.

Impôts différents

Result of by-law

(4) If, in any year, as a result of by-laws passed under this section, the total of the limits on increases exceeds the total of the limits on decreases, the Regional Council shall include the difference in its general regional levy.

(4) Si, au cours d'une année donnée, par suite de l'adoption de règlements municipaux en vertu du présent article, le total des limites imposées sur les augmentations dépasse le total des limites imposées sur les diminutions, le conseil régional inclut la différence dans son prélèvement régional général.

Effet des règlements municipaux

Interpretation

(5) For the purpose of subsection (1), the change in the cost of providing police services to an area municipality in 1995 is the difference between,

- (a) the total cost to the area municipality of providing police services in 1994; and
- (b) the portion of the 1995 general regional levy which would have been levied by the area municipality for the provision of police services in 1995 but for this section.

Approvals necessary

32.9—(1) Despite any Act, for the period between July 22, 1993 and December 31, 1994, an area municipality or the police services board of an area municipality shall not, without the approval of the Regional Council,

- (a) convey or agree to convey any asset pertaining to a police services board purchased for or valued at more than \$25,000;
- (b) incur or agree to incur any liability pertaining to a police services board in excess of \$25,000;
- (c) spend money pertaining to a police services board in a single transaction in excess of \$25,000; or
- (d) change the designation of a reserve fund relating to the provision of police services.

Same

(2) Despite any Act, for the period between July 22, 1993 and December 31, 1994, the police services board of an area municipality shall not, without the approval of the Regional Council,

- (a) appoint a person to be a member of a police force; or
- (b) promote a member of a police force.

Current agreements

(3) Despite subsections (1) and (2), an area municipality or a police services board may undertake a matter described in those subsections without the approval of the Regional Corporation if the area municipality or police services board had entered into a binding agreement with regard to the matter before July 22, 1993.

Restriction re: policing agreement

32.10 For the period between July 22, 1993 and December 31, 1994, an area municipality shall not, without the approval of the Regional Council, enter into any agreement respecting police services that extends beyond December 31, 1994.

(5) Pour l'application du paragraphe (1), le changement du coût des services policiers offerts à une municipalité de secteur en 1995 correspond à la différence entre ce qui suit :

- a) le coût total relatif à la prestation des services policiers en 1994 à la charge de la municipalité de secteur;
- b) la partie du prélèvement régional général de 1995 qui aurait été prélevée par la municipalité de secteur pour la prestation des services policiers en 1995 si ce n'était du présent article.

Interpretation

32.9 (1) Malgré toute loi, au cours de la période comprise entre le 22 juillet 1993 et le 31 décembre 1994, une municipalité de secteur ou la commission de services policiers de celle-ci ne doit pas, sans l'approbation du conseil régional :

- a) céder ni convenir de céder quelque élément d'actif relativement à une commission de services policiers dont le prix d'achat ou la valeur se chiffre à plus de 25 000 \$;
- b) contracter ni convenir de contracter une obligation supérieure à 25 000 \$ relativement à une commission de services policiers;
- c) dépenser, en une seule opération, une somme d'argent supérieure à 25 000 \$ relativement à une commission de services policiers;
- d) modifier la destination d'un fonds de réserve relativement à la prestation de services policiers.

Approvals nécessaires

(2) Malgré toute loi, au cours de la période comprise entre le 22 juillet 1993 et le 31 décembre 1994, la commission de services policiers d'une municipalité de secteur ne doit pas, sans l'approbation du conseil régional :

- a) nommer des personnes membres d'un corps de police;
- b) promouvoir des membres d'un corps de police.

idem

(3) Malgré les paragraphes (1) et (2), une municipalité de secteur ou une commission de services policiers peut accomplir l'un des actes visés à ces paragraphes sans l'approbation de la Municipalité régionale si l'une ou l'autre avait déjà conclu un accord exécutoire à ce sujet avant le 22 juillet 1993.

Accords actuels

32.10 Au cours de la période comprise entre le 22 juillet 1993 et le 31 décembre 1994, une municipalité de secteur ne doit pas, sans l'approbation du conseil régional, conclure quelque accord que ce soit portant sur les services policiers dont la durée s'étend au-delà du 31 décembre 1994.

Restriction en cas d'accord sur le maintien de l'ordre

Continuation
of organiza-
tional struc-
tures

32.11—(1) Despite any other Act, the police board shall maintain the organizational structures of the police forces of the cities of Gloucester, Nepean and Ottawa as part of the organizational structure of the regional police force until the date of amalgamation under subsection (3).

One police
board

(2) The organizational structures maintained under subsection (1) are under the government of the police board.

Unified
organiza-
tional struc-
ture

(3) On or before January 1, 1996, the police board shall amalgamate the organizational structures of the three city police forces into a unified organizational structure of the regional police force to provide integrated police services.

Approval

(4) The police board shall carry out the amalgamation in a manner approved by the Ontario Civilian Commission on Police Services.

Regulations

(5) Despite this Act or the *Police Services Act*, the Minister may by regulation,

(a) define "organizational structure";

(b) provide for matters which, in the opinion of the Minister, are necessary or expedient to maintain the separate organizational structures of the three city police forces and to carry out their subsequent amalgamation under subsection (3).

6. The Act is amended by adding the following section:

Acquisition
of land for
industrial,
etc., uses

49.1—(1) The Regional Council may pass by-laws for acquiring and expropriating land and selling or leasing the land for the purpose of sites for industrial, commercial and institutional uses and uses incidental thereto.

Conditions

(2) Clauses (a) to (c) of paragraph 57 of section 210 of the *Municipal Act* apply with necessary modifications to the Regional Corporation exercising its powers under subsection (1).

No acquisition
by area
municipality

(3) Paragraph 57 of section 210 of the *Municipal Act* does not apply to an area municipality.

Current
acquisitions

(4) Despite subsection (3), paragraph 57 of section 210 of the *Municipal Act* applies to an area municipality with respect to land the area municipality acquired or has entered into a binding agreement to acquire under that paragraph before the day this section comes into force.

32.11 (1) Malgré toute autre loi, la commission de police maintient les structures organisationnelles des corps de police des cités de Gloucester, de Nepean et d'Ottawa au sein de la structure organisationnelle du corps de police régional jusqu'à la date de la fusion prévue au paragraphe (3).

(2) Les structures organisationnelles maintenues aux termes du paragraphe (1) sont sous la direction de la commission de police.

(3) Au plus tard le 1^{er} janvier 1996, la commission de police fusionne, aux fins de la prestation de services policiers intégrés, les structures organisationnelles des corps de police des trois cités en une structure organisationnelle unifiée qui est celle du corps de police régional.

(4) La commission de police réalise la fusion de la manière approuvée par la Commission civile des services policiers de l'Ontario.

(5) Malgré la présente loi ou la *Loi sur les services policiers*, le ministre peut, par règlement :

a) définir le terme «structure organisationnelle»;

b) prévoir les questions qui, à son avis, sont nécessaires ou pertinentes pour assurer le maintien distinct des structures organisationnelles des corps de police des trois cités et pour réaliser par la suite leur fusion aux termes du paragraphe (3).

6 La Loi est modifiée par adjonction de l'article suivant :

49.1 (1) Le conseil régional peut, par règlement municipal, acquérir et exproprier des biens-fonds ainsi que les vendre ou les donner à bail pour qu'ils servent d'emplacements à des fins industrielles, commerciales ou collectives, ou à d'autres fins connexes.

(2) Les alinéas a) à c) de la disposition 57 de l'article 210 de la *Loi sur les municipalités* s'appliquent, avec les adaptations nécessaires, à la Municipalité régionale qui exerce les pouvoirs que lui confère le paragraphe (1).

(3) La disposition 57 de l'article 210 de la *Loi sur les municipalités* ne s'applique pas aux municipalités de secteur.

(4) Malgré le paragraphe (3), la disposition 57 de l'article 210 de la *Loi sur les municipalités* s'applique à une municipalité de secteur en ce qui concerne les biens-fonds qu'elle a acquis ou à l'égard desquels elle a conclu un accord exécutoire en vue de les acquérir en vertu de cette disposition avant le jour de l'entrée en vigueur du présent article.

Maintien des
structures
organisation-
nelles

Une seule
commission
de police

Structure
organisa-
tionnelle unifiée

Approbation

Règlements

Acquisition
de biens-
fonds à des
fins indus-
trielles et
autres

Conditions

Acquisition
interdite aux
municipalités
de secteur

Acquisitions
actuelles

7. The Act is amended by adding the following sections:

7 La Loi est modifiée par adjonction des articles suivants :

By-laws re: policing powers

49.2 The council of a city in The Regional Municipality of Ottawa-Carleton may pass any by-law that a police services board of a city is authorized to pass under the *Municipal Act*.

49.2 Le conseil d'une cité comprise dans la Municipalité régionale d'Ottawa-Carleton peut adopter tout règlement municipal qu'une commission de services policiers d'une cité est autorisée à adopter en vertu de la *Loi sur les municipalités*.

Règlements municipaux relatifs aux pouvoirs de police

Information with tax bill

49.3 If required by by-law of the Regional Council, an area municipality shall, at the expense of the Regional Corporation, include with its tax bills an information insert prepared by the treasurer of the Regional Corporation.

49.3 Si un règlement municipal du conseil régional l'exige, la municipalité de secteur joint, aux frais de la Municipalité régionale, à ses relevés d'imposition un feuillet d'information préparé par le trésorier de la Municipalité régionale.

Feuillelet d'information joint au relevé d'imposition

8. The Act is amended by adding the following Part:

8 La Loi est modifiée par adjonction de la partie suivante :

PART IX
STREET VENDING

PARTIE IX
VENTE DANS LA RUE

By-laws re: street vending

56. The Regional Council may pass by-laws.

56 Le conseil régional peut, par règlement municipal :

Règlements municipaux relatifs à la vente dans la rue

- (a) designating all or any part of a highway under the jurisdiction of the Regional Corporation, including the sidewalk portion, as a removal zone;
- (b) designating all highways under its jurisdiction in any area as a removal zone;
- (c) prohibiting the placing, stopping or parking in a removal zone of any object or vehicle used to sell or offer for sale goods or refreshments;
- (d) designating spaces in removal zones in which, despite clause (c), goods or refreshments may be sold or offered for sale; and
- (e) establishing a permit system granting the exclusive use of any designated space to the owner of an object or vehicle used to sell goods or refreshments.

- a) désigner comme zone d'enlèvement tout ou partie d'une voie publique relevant de la compétence de la Municipalité régionale, y compris les trottoirs;
- b) désigner comme zone d'enlèvement la totalité des voies publiques relevant de sa compétence dans quelque secteur que ce soit;
- c) interdire l'installation, l'arrêt ou le stationnement dans une zone d'enlèvement de tout objet ou véhicule servant à la vente ou à la mise en vente de marchandises ou de boissons et mets légers;
- d) désigner, dans les zones d'enlèvement, des espaces dans lesquels, malgré l'alinéa c), des marchandises ou des boissons et mets légers peuvent être vendus ou mis en vente;
- e) établir un système d'octroi de licences accordant l'usage exclusif d'un espace désigné au propriétaire d'un objet ou d'un véhicule servant à la vente de marchandises ou de boissons et mets légers.

Contents of by-law

57.—(1) A by-law passed under section 56 may,

57 (1) Tout règlement municipal adopté en vertu de l'article 56 peut :

Contenu du règlement municipal

- (a) prescribe the types of goods or refreshments that may be offered for sale or sold and the types of objects and vehicles permitted in the designated space which may be different for each designated space, and prohibit any type;

- a) prescrire les types de marchandises ou de boissons et mets légers qui peuvent être mis en vente ou vendus, ainsi que les types d'objets et de véhicules autorisés dans l'espace désigné, lesquels peuvent varier d'un espace désigné à l'autre, et interdire quelque type que ce soit;

- (b) establish design criteria for the object or vehicle permitted in the designated space;
- (c) define "goods", "owner" and "refreshments"; and
- (d) exempt any type of vendor from all or part of the by-law.

- b) fixer des critères de conception à l'égard des objets ou véhicules autorisés dans l'espace désigné;
- c) définir les termes «marchandises», «propriétaire» et «boissons et mets légers»;
- d) exempter quelque type de vendeur que ce soit de l'application de la totalité ou d'une partie du règlement municipal.

Permits

- (2) A by-law passed under section 56 may,
 - (a) prescribe conditions for the issuance and continued use of a permit;
 - (b) establish permit fees which may vary by location or type of goods sold;
 - (c) fix the term of the permit which may vary with each permit;
 - (d) provide for the issuance of identifying markers in connection with the permits and specifying the manner in which they are to be applied;
 - (e) prohibit or restrict the transfer of permits;
 - (f) establish the method of allocating designated spaces;
 - (g) require that the applicant for a permit hold, or be eligible to hold, a valid licence issued by the Regional Corporation for selling the goods or refreshments proposed to be sold from the designated space; and
 - (h) regulate the hours of operation permitted under the permit, which may vary according to the location of the designated space.

- (2) Tout règlement municipal adopté en vertu de l'article 56 peut :
 - a) prescrire les conditions relatives à la délivrance et à l'usage continu des licences;
 - b) déterminer les droits rattachés aux licences, lesquels peuvent varier selon le lieu ou le type de marchandises vendues;
 - c) fixer la durée des licences, laquelle peut varier en fonction de chaque licence;
 - d) prévoir la délivrance de marques d'identification relativement aux licences et préciser la manière de les apposer;
 - e) interdire ou restreindre la cession de licences;
 - f) déterminer la méthode à utiliser pour attribuer les espaces désignés;
 - g) exiger que l'auteur d'une demande de licence soit titulaire ou soit admissible à être titulaire d'un permis valide délivré par la Municipalité régionale pour la vente des marchandises ou boissons et mets légers qu'il se propose de vendre à partir de l'espace désigné;
 - h) réglementer les heures d'activité autorisées en vertu de la licence, lesquelles peuvent varier selon le lieu où se trouve l'espace désigné.

Licences

Suspension, revocation

58.—(1) The Regional Council or a committee of Regional Council may suspend or revoke a permit if the conditions for its issuance or use are not complied with or for any other reason which the by-law may specify.

58 (1) Le conseil régional ou un comité de celui-ci peut suspendre ou révoquer toute licence si les conditions de sa délivrance ou de son usage ne sont pas respectées, ou pour tout autre motif que le règlement municipal précise.

Suspension ou révocation

Hearing

(2) Before suspending or revoking a permit, the Regional Council or the committee shall give the permit holder an opportunity to be heard.

(2) Avant de suspendre ou de révoquer une licence, le conseil régional ou le comité donne au titulaire de la licence la possibilité d'être entendu.

Audience

Refund

(3) If a permit is revoked under subsection (1), that part of the fee paid for the permit proportionate to the unexpired part of the term for which the permit was granted shall be refunded to the permit holder.

(3) En cas de révocation d'une licence en vertu du paragraphe (1), la partie des droits acquittés pour l'obtention de la licence qui est proportionnelle à la partie non expirée de la durée pour laquelle la licence a été accordée est remboursée au titulaire de la licence.

Remboursement

Special
circum-
stances

(4) A municipal official named in the by-law may suspend, without holding a hearing, the designation of all or part of a removal zone, the designation of a space or the operation of a permit for such time and subject to such conditions as the by-law may provide due to.

- (a) the holding of special events;
- (b) the construction, maintenance or repair of any highway;
- (c) the installation, maintenance or repair of public utilities and services; or
- (d) matters relating to pedestrian, vehicular or public safety.

Duration

(5) A suspension under subsection (4) shall not exceed four weeks from the date of suspension.

inspection,
removal

59.—(1) Any peace officer authorized by by-law to enforce a by-law passed under this Part who has reason to believe that any object or vehicle is placed, stopped or parked in a designated space or in a removal zone in contravention of the by-law,

- (a) may, upon producing appropriate identification, require that a valid permit be produced for reasonable inspection; and
- (b) if no valid permit is produced, may, after informing the person, if any, in charge of the object or vehicle that it is in a removal zone or designated space contrary to the by-law and upon giving a receipt for it to that person, cause the object or vehicle to be moved and stored in a suitable place.

Lien

(2) Subject to subsections (3) and (4), all costs and charges for the removal, care and storage of any object or vehicle under the by-law are a lien upon it which may be enforced by the Regional Corporation in the manner provided by the *Repair and Storage Liens Act*.

Unclaimed
objects

(3) An object or vehicle removed and stored in accordance with subsection (1) and not claimed by the owner within sixty days is the property of the Regional Corporation and may be sold and the proceeds shall form

Circonstances
particulières

(4) Le fonctionnaire municipal nommé dans le règlement municipal peut suspendre, sans tenir d'audience, la désignation de la totalité ou d'une partie d'une zone d'enlèvement, la désignation d'un espace ou l'application d'une licence pour la durée et sous réserve des conditions que le règlement municipal peut prévoir, pour l'une des causes suivantes :

- a) la tenue d'événements spéciaux;
- b) la construction, l'entretien ou la réparation d'une voie publique;
- c) la mise en place, l'entretien ou la réparation de services publics;
- d) des questions touchant à la sécurité des piétons, des véhicules ou du public.

Durée

(5) La durée de toute suspension visée au paragraphe (4) ne doit pas dépasser quatre semaines à compter de la date de la suspension.

Inspection,
enlèvement

59 (1) Tout agent de la paix autorisé, par règlement municipal, à mettre en application un règlement municipal adopté en vertu de la présente partie et qui a des motifs de croire qu'un objet ou véhicule est installé, arrêté ou stationné dans un espace désigné ou dans une zone d'enlèvement contrairement au règlement municipal :

- a) d'une part, peut, sur présentation d'une pièce d'identité appropriée, exiger la production d'une licence valide en vue de procéder à une inspection raisonnable;
- b) d'autre part, si aucune licence valide n'est produite, peut, après avoir informé la personne responsable de l'objet ou du véhicule, s'il y en a une, que celui-ci se trouve placé dans une zone d'enlèvement ou dans un espace désigné contrairement au règlement municipal et, sur remise d'un récépissé à cet effet à la personne, faire enlever l'objet ou le véhicule et le faire remettre dans un lieu convenable.

Priviège

(2) Sous réserve des paragraphes (3) et (4), les dépenses et frais occasionnés par l'enlèvement, la garde et le remisage de tout objet ou véhicule en vertu du règlement municipal constituent un privilège sur celui-ci qui peut être réalisé par la Municipalité régionale de la manière prévue par la *Loi sur le privilège des réparateurs et des entreposeurs*.

Objets non
réclamés

(3) Tout objet ou véhicule enlevé et remisé conformément au paragraphe (1) et qui n'est pas réclamé par son propriétaire dans les soixante jours qui suivent devient la propriété de la Municipalité régionale et peut être vendu. Le produit de la vente est alors

part of the general funds of the Regional Corporation.

Perishable
object

(4) Despite subsection (3), any perishable object is the property of the Regional Corporation upon being moved from the removal zone or designated space in accordance with subsection (1) and may be destroyed or given to a charitable institution.

Delegation
to area
municipality

60. The Regional Council may pass by-laws to empower the council of an area municipality, upon such terms and conditions as are specified by the Regional Council in the by-law,

- (a) to administer on behalf of the Regional Corporation a by-law passed under section 56;
- (b) to designate spaces under clause 56 (d);
- (c) to suspend or revoke a permit under section 58;
- (d) to appoint a municipal official of the area municipality for the purpose of subsection 58 (4);
- (e) to authorize a peace officer to carry out inspections and removals under subsection 59 (1); and
- (f) to enforce a lien under subsection 59 (2).

PART II REGIONAL MUNICIPALITIES ACT

9. Section 4 of the *Regional Municipalities Act* is amended by adding the following subsection:

Exception

(4) This section does not apply to The Regional Municipality of Ottawa-Carleton or its area municipalities.

10. Section 7 of the Act is amended by adding the following subsection:

Ottawa-Carleton
exception

(7) Subsections (2), (3) and (4) do not apply to The Regional Municipality of Ottawa-Carleton.

11. Subsection 9 (11) of the Act, as amended by the Statutes of Ontario, 1991, chapter 3, section 2, is repealed and the following substituted:

Non-applica-
tion

(11) Subsections (1), (2) and (3) do not apply to the regional municipalities of Hamilton-Wentworth and Ottawa-Carleton, subsections (6), (7), (8) and (9) do not apply to the regional municipalities of Niagara and Ottawa-Carleton and subsection (10) does not apply to The Regional Municipality of Ottawa-Carleton.

versé au fonds d'administration générale de la Municipalité régionale.

(4) Malgré le paragraphe (3), tout objet périssable devient la propriété de la Municipalité régionale dès qu'il est déplacé de la zone d'enlèvement ou de l'espace désigné conformément au paragraphe (1), et peut être détruit ou donné à un établissement de bienfaisance.

Objet périssable

60 Le conseil régional peut, par règlement municipal, habiliter le conseil d'une municipalité de secteur, aux conditions qu'il précise dans le règlement municipal, à faire ce qui suit :

Délégation à
une municipa-
lité de secteur

- a) appliquer, au nom de la Municipalité régionale, un règlement municipal adopté en vertu de l'article 56;
- b) désigner des espaces en vertu de l'alinéa 56 d);
- c) suspendre ou révoquer des licences en vertu de l'article 58;
- d) nommer un fonctionnaire municipal de la municipalité de secteur pour l'application du paragraphe 58 (4);
- e) autoriser des agents de la paix à procéder à des inspections et à enlever des objets ou véhicules en vertu du paragraphe 59 (1);
- f) réaliser des privilèges en vertu du paragraphe 59 (2).

PARTIE II LOI SUR LES MUNICIPALITÉS RÉGIONALES

9 L'article 4 de la *Loi sur les municipalités régionales* est modifié par adjonction du paragraphe suivant :

Exception

(4) Le présent article ne s'applique ni à la municipalité régionale d'Ottawa-Carleton, ni à ses municipalités de secteur.

10 L'article 7 de la Loi est modifié par adjonction du paragraphe suivant :

(7) Les paragraphes (2), (3) et (4) ne s'appliquent pas à la municipalité régionale d'Ottawa-Carleton.

Exception
dans le cas
d'Ottawa-
Carleton

11 Le paragraphe 9 (11) de la Loi, tel qu'il est modifié par l'article 2 du chapitre 3 des Lois de l'Ontario de 1991, est abrogé et remplacé par ce qui suit :

(11) Les paragraphes (1), (2) et (3) ne s'appliquent pas aux municipalités régionales de Hamilton-Wentworth et d'Ottawa-Carleton, les paragraphes (6), (7), (8) et (9) ne s'appliquent pas aux municipalités régionales de Niagara et d'Ottawa-Carleton, et le paragraphe (10) ne s'applique pas à la municipalité régionale d'Ottawa-Carleton.

Non-applica-
tion

12.—(1) Section 12 of the Act, as amended by the Statutes of Ontario, 1991, chapter 15, section 26 and 1992, chapter 15, section 72, is further amended by adding the following subsection:

Commis-
sioner

(3) The chief administrative officer of The Regional Municipality of Ottawa-Carleton is, by virtue of office, a commissioner for taking affidavits within the meaning of the *Commissioners for taking Affidavits Act* in the Regional Area.

(2) Subsection 12 (4) of the Act, as amended by the Statutes of Ontario, 1992, chapter 15, section 72, is repealed.

13. The Act is amended by adding the following section:

Regional
significance,
Ottawa-
Carleton

74.1—(1) The Regional Council of The Regional Municipality of Ottawa-Carleton may by by-law designate any proposed work to be a work of regional significance if the official plan of the Regional Corporation.

- (a) sets out the criteria to be used to determine whether or not a work is of regional significance; and
- (b) shows or describes the proposed work as a work forming part of the proposed works of the Regional Corporation.

Restriction

(2) If a work has been designated under subsection (1), no person and no area municipality in The Regional Municipality of Ottawa-Carleton or a local board thereof shall establish, maintain or operate such a work without the consent of the Regional Council which consent may be given on such conditions as Regional Council deems appropriate.

14. Subsection 76 (10) of the Act is repealed and the following substituted:

Regulations
re:
employees

(10) Despite any Act, the Minister may make regulations providing for the security of employment and the protection of benefits of employees and retired employees or any class thereof affected by by-laws passed under this section.

Retroactive

(11) A regulation made under subsection (10) may be retroactive.

Application

(12) Subsections (3), (4), (10) and (11) apply only to The Regional Municipality of Ottawa-Carleton.

15. The Act is amended by adding the following sections:

Ottawa-
Carleton

79.1—(1) The Regional Council of The Regional Municipality of Ottawa-Carleton

12 (1) L'article 12 de la Loi, tel qu'il est modifié par l'article 26 du chapitre 15 des Lois de l'Ontario de 1991 et par l'article 72 du chapitre 15 des Lois de l'Ontario de 1992, est modifié de nouveau par adjonction du paragraphe suivant :

(3) Le directeur administratif de la municipalité régionale d'Ottawa-Carleton est, de par sa charge, commissaire aux affidavits au sens de la *Loi sur les commissaires aux affidavits* dans le secteur régional. Commissaire

(2) Le paragraphe 12 (4) de la Loi, tel qu'il est modifié par l'article 72 du chapitre 15 des Lois de l'Ontario de 1992, est abrogé.

13 La Loi est modifiée par adjonction de l'article suivant :

74.1 (1) Le conseil régional de la municipalité régionale d'Ottawa-Carleton peut, par règlement municipal, désigner tout ouvrage projeté comme ouvrage d'importance régionale si le plan officiel de la Municipalité régionale : Importance
régionale,
Ottawa-
Carleton

- a) d'une part, énonce les critères à appliquer pour déterminer si un ouvrage est d'importance régionale ou non;
- b) d'autre part, reconnaît ou décrit l'ouvrage projeté comme étant un ouvrage faisant partie des ouvrages projetés de la Municipalité régionale.

(2) Si un ouvrage a été désigné en vertu du paragraphe (1), aucune personne ni aucune municipalité de secteur de la municipalité régionale d'Ottawa-Carleton, ni aucun de ses conseils locaux, ne doit établir, entretenir ou faire fonctionner cet ouvrage sans le consentement du conseil régional, lequel peut être donné aux conditions que ce dernier estime appropriées. Restriction

14 Le paragraphe 76 (10) de la Loi est abrogé et remplacé par ce qui suit :

(10) Malgré toute loi, le ministre peut, par règlement, prévoir la sécurité d'emploi et la protection des avantages sociaux des employés et des employés retraités, ou d'une catégorie de ceux-ci, qui sont touchés par les règlements municipaux adoptés en vertu du présent article. Règlements
relatifs aux
employés

(11) Tout règlement pris en application du paragraphe (10) peut avoir un effet rétroactif. Rétroactivité

(12) Les paragraphes (3), (4), (10) et (11) ne s'appliquent qu'à la municipalité régionale d'Ottawa-Carleton. Champ d'ap-
plication

15 La Loi est modifiée par adjonction des articles suivants :

79.1 (1) Le conseil régional de la municipalité régionale d'Ottawa-Carleton peut, par Ottawa-
Carleton

may pass by-laws exercising its authority under subsections 79 (1) and (2) with respect to works owned or operated by or on behalf of any person including an area municipality or local board thereof as if the works were regional works.

règlement municipal, exercer le pouvoir que lui confèrent les paragraphes 79 (1) et (2) à l'égard des ouvrages dont est propriétaire toute personne, y compris une municipalité de secteur ou un de ses conseils locaux, ou quiconque agit en son nom, ou qu'elle-même ou quiconque agit en son nom fait fonctionner, comme s'il s'agissait d'ouvrages régionaux.

Conflicts

(2) In the event of a conflict between a by-law authorized by subsection (1) and a by-law passed by the council of an area municipality, the by-law under subsection (1) prevails to the extent of the conflict.

(2) En cas d'incompatibilité entre un règlement municipal autorisé par le paragraphe (1) et un règlement municipal adopté par le conseil d'une municipalité de secteur, le règlement municipal prévu au paragraphe (1) l'emporte dans la mesure de l'incompatibilité.

Incompatibilité

By-laws re: discharge

(3) The Regional Council of Ottawa-Carleton may pass by-laws requiring a person including an area municipality or local board thereof,

(3) Le conseil régional d'Ottawa-Carleton peut, par règlement municipal, exiger d'une personne, y compris une municipalité de secteur ou un de ses conseils locaux, ce qui suit :

Règlements municipaux relatifs aux eaux déversées

(a) to install and maintain access openings, facilities, instruments or equipment suitable for the inspection and sampling of the discharge into any works owned or operated by or on behalf of the person; and

a) la mise en place et l'entretien d'ouvertures d'accès, d'installations, d'instruments ou de matériel propres à permettre l'inspection et l'échantillonnage des eaux déversées dans les ouvrages dont est propriétaire la personne ou quiconque agit en son nom, ou qu'elle-même ou quiconque agit en son nom fait fonctionner;

(b) to inspect and test the discharge in the manner and at the times required by the Regional Corporation and to provide to the Regional Corporation the results of the inspections and tests and such other information, which, in the opinion of the Regional Corporation, is necessary to properly monitor the discharge.

b) la tenue d'inspections et l'exécution de tests relativement aux eaux déversées, de la manière et aux moments exigés par la Municipalité régionale, ainsi que la présentation à cette dernière des résultats de ces inspections et tests ainsi que de tous autres renseignements que la Municipalité régionale juge nécessaires à la surveillance adéquate des eaux déversées.

Ottawa-Carleton treatment pond

79.2—(1) The Regional Council of The Regional Municipality of Ottawa-Carleton may pass by-laws to regulate the operation and maintenance of a land drainage treatment pond owned or operated by or on behalf of any person including an area municipality or local board thereof.

79.2 (1) Le conseil régional de la municipalité régionale d'Ottawa-Carleton peut, par règlement municipal, régir le fonctionnement et l'entretien du bassin d'épuration des eaux d'écoulement dont est propriétaire toute personne, y compris une municipalité de secteur ou un de ses conseils locaux, ou quiconque agit en son nom, ou qu'elle-même ou quiconque agit en son nom fait fonctionner.

Bassin d'épuration d'Ottawa-Carleton

Definition

(2) In this section, "land drainage treatment pond" means a treatment work that has as its primary purpose the treatment of land drainage but does not include a treatment work the primary purpose of which is the collection and holding of land drainage.

(2) Dans le présent article, le terme «bassin d'épuration des eaux d'écoulement» s'entend d'un ouvrage d'épuration dont le but premier est d'épurer les eaux d'écoulement. Est toutefois exclu de la présente définition l'ouvrage d'épuration dont le but premier est de capter et de retenir les eaux d'écoulement.

Définition

16. The Act is amended by adding the following section:

16 La Loi est modifiée par adjonction de l'article suivant :

Ottawa-Carleton

84.1—(1) In The Regional Municipality of Ottawa-Carleton, no person, area municipality or local board thereof shall enlarge, extend or alter any work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

84.1 (1) Dans la municipalité régionale d'Ottawa-Carleton, aucune personne, qu'il s'agisse d'une municipalité de secteur ou d'un de ses conseils locaux, ne doit agrandir, prolonger ou modifier tout ouvrage ou conduit d'eau qui déverse ses eaux dans un ouvrage ou conduit d'eau régional sans l'approbation du conseil régional.

Ottawa-Carleton

By-laws regulating works

(2) The Regional Council of The Regional Municipality of Ottawa-Carleton may pass by-laws regulating the design, construction, operation and maintenance of works owned or operated by or on behalf of any person, including an area municipality or local board thereof.

(2) Le conseil régional de la municipalité régionale d'Ottawa-Carleton peut, par règlement municipal, réglementer la conception, la construction, le fonctionnement et l'entretien des ouvrages dont est propriétaire toute personne, y compris une municipalité de secteur ou un de ses conseils locaux, ou quiconque agit en son nom, ou qu'elle-même ou quiconque agit en son nom fait fonctionner.

Règlements municipaux réglementant les ouvrages

Conflicts

(3) In the event of a conflict between a by-law under subsection (2) and a by-law of an area municipality, the by-law under subsection (2) prevails to the extent of the conflict.

(3) En cas d'incompatibilité entre un règlement municipal adopté en vertu du paragraphe (2) et un règlement municipal d'une municipalité de secteur, le règlement municipal prévu au paragraphe (2) l'emporte dans la mesure de l'incompatibilité.

Incompatibilité

17. Subsection 86 (3) of the Act, as re-enacted by the Statutes of Ontario, 1991, chapter 15, section 29, is amended by striking out "and" at the end of clause (a) and by striking out clause (b).

17 Le paragraphe 86 (3) de la Loi, tel qu'il est adopté de nouveau par l'article 29 du chapitre 15 des Lois de l'Ontario de 1991, est modifié par suppression de l'alinéa b).

18. The Act is amended by adding the following section:

18 La Loi est modifiée par adjonction de l'article suivant :

Fees for regional works—Ottawa-Carleton

86.1—(1) The Regional Council of The Regional Municipality of Ottawa-Carleton may pass by-laws imposing on and collecting from any person, including an area municipality or local board thereof, fees for the use of regional works and the fees may vary on any basis Regional Council considers appropriate and specifies in the by-law, including establishing different fees for different areas of the regional municipality.

86.1 (1) Le conseil régional de la municipalité régionale d'Ottawa-Carleton peut, par règlement municipal, imposer à toute personne, y compris une municipalité de secteur ou un de ses conseils locaux, des droits pour l'utilisation des ouvrages régionaux et les percevoir. Ces droits peuvent varier en fonction des critères que le conseil régional estime appropriés et précise dans le règlement municipal, notamment en fonction des différents secteurs de la municipalité régionale.

Droits relatifs aux ouvrages régionaux—Ottawa-Carleton

Collection

(2) If the Regional Corporation so specifies by by-law, the fees may be charged as a surcharge on the water rate and may be collected in the same manner and with the same remedies as water rates.

(2) Si la Municipalité régionale le précise par règlement municipal, les droits peuvent être demandés sous forme de redevances d'adduction d'eau additionnelles et être perçus de la même façon et par les mêmes recours que le sont les redevances d'adduction d'eau.

Perception

Debt

(3) The fees are a debt of the person to the Regional Corporation and are payable at such times and in such amounts, including interest for late payments, as may be specified by by-law of the Regional Council.

(3) Les droits constituent une dette de la personne envers la Municipalité régionale et sont payables aux moments et selon les montants, y compris les intérêts pour paiements en retard, que peut préciser, par règlement municipal, le conseil régional.

Dette

Manner of collection

(4) The Regional Council may by by-law require an area municipality to collect the amounts payable by the area municipality under subsection (1) in the manner specified in the by-law.

(4) Le conseil régional peut, par règlement municipal, exiger d'une municipalité de secteur qu'elle perçoive les montants qu'elle doit acquitter aux termes du paragraphe (1) de la manière précisée dans le règlement municipal.

Mode de perception

19. Section 87 of the Act is amended by striking out "or 86" in the fifth line and substituting "86 or 86.1".

20. Section 101 of the Act is repealed.

**PART III
COMPLEMENTARY AMENDMENTS**

21. Section 4 of the *Municipal Elections Act* is amended by adding the following subsection:

Returning officer—
Ottawa-Carleton

(5) The clerks specified in the *Regional Municipality of Ottawa-Carleton Act* and in the regulations made under that Act shall be the returning officers for the election to the offices of chair and regional councillor of the council of The Regional Municipality of Ottawa-Carleton.

22. Subsection 4 (4) of the *Police Services Act* is repealed.

23. Section 5 of the *City of Ottawa Act, 1992*, being chapter Pr35, is repealed.

**PART IV
COMMENCEMENT AND SHORT TITLE**

Commencement

24. —(1) This Act, except sections 1, 2, 7, 9, 10, 11, 20, 21 and 22, comes into force on the day it receives Royal Assent.

Same

(2) Sections 1, 2, 9, 10, 11 and 21 come into force on December 1, 1994.

Same

(3) Sections 7, 20 and 22 come into force on January 1, 1995.

Proviso

(4) Despite subsection (2),

(a) the regular elections to be held in 1994 under the *Municipal Elections Act* shall be conducted as if sections 1, 2 and 21 were in force and an order made under section 8.1 of the *Regional Municipality of Ottawa-Carleton Act* was in force; and

(b) section 107 of the *Municipal Act* applies with necessary modifications to the Regional Council of The Regional Municipality of Ottawa-Carleton.

Short title

25. The short title of this Act is the *Regional Municipality of Ottawa-Carleton Statute Law Amendment Act, 1993*.

19 L'article 87 de la Loi est modifié par substitution, à «ou 86» à la septième ligne, de «, 86 ou 86.1».

20 L'article 101 de la Loi est abrogé.

**PARTIE III
MODIFICATIONS COMPLÉMENTAIRES**

21 L'article 4 de la *Loi sur les élections municipales* est modifié par adjonction du paragraphe suivant :

(5) Les secrétaires précisés dans la *Loi sur la municipalité régionale d'Ottawa-Carleton* et ses règlements d'application sont les directeurs du scrutin pour l'élection de personnes aux postes de président et de conseillers régionaux du conseil de la municipalité régionale d'Ottawa-Carleton.

Directeur du scrutin—
Ottawa-Carleton

22 Le paragraphe 4 (4) de la *Loi sur les services policiers* est abrogé.

23 L'article 5 de la loi intitulée *City of Ottawa Act, 1992*, qui constitue le chapitre Pr35, est abrogé.

**PARTIE IV
ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ**

24 (1) La présente loi, à l'exclusion des articles 1, 2, 7, 9, 10, 11, 20, 21 et 22, entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en vigueur

(2) Les articles 1, 2, 9, 10, 11 et 21 entrent en vigueur le 1^{er} décembre 1994.

Idem

(3) Les articles 7, 20 et 22 entrent en vigueur le 1^{er} janvier 1995.

Idem

(4) Malgré le paragraphe (2) :

Réserve

a) d'une part, les élections ordinaires devant se tenir en 1994 aux termes de la *Loi sur les élections municipales* ont lieu comme si les articles 1, 2 et 21 étaient en vigueur et qu'un arrêté pris en vertu de l'article 8.1 de la *Loi sur la municipalité régionale d'Ottawa-Carleton* était en vigueur;

b) d'autre part, l'article 107 de la *Loi sur les municipalités* s'applique, avec les adaptations nécessaires, au conseil régional de la municipalité régionale d'Ottawa-Carleton.

25 Le titre abrégé de la présente loi est *Loi de 1993 modifiant des lois en ce qui concerne la municipalité régionale d'Ottawa-Carleton*.

Titre abrégé

BACKGROUNDERREGIONAL MUNICIPALITY OF OTTAWA-CARLETON
STATUTE LAW AMENDMENT ACT, 1993Background

- . Over the past five years, there have been three studies on regional government in Ottawa-Carleton.
- . The most recent study was completed by Graeme Kirby. The purpose of this study was to determine the views of the public on one-tier government, direct election and any other issues which were raised.
- . The Final Report was released in November of 1992 and comments from the public were received until the end of February 1993.

Proposed DirectionsElection of Local and Regional Councils

- . Local Councils composed of either of the following as set out by Order of the Minister:
 - . a mayor and one member for each local ward
 - or
 - . the mayor and the appropriate number of councillors elected at-large.
- . Regional Council composed of:
 - . a Chair directly elected by a general vote by the electors of the Region
 - . 18 regional councillors. Each councillor will represent a regional ward and be elected by the electors of that ward
 - . area mayors will no longer sit on regional council.

The removal of area mayors from regional council is premised on the need to have a council which is accountable to the electorate and not local councils. Any inclusion of the mayors causes substantial inequities in the representation system for the electorate across the region. If there was more parity in the size of the local municipalities, allowing area mayors to continue would have been considered.

The Regional Clerk shall be responsible for the following aspects of the election of the Regional Chair and Regional Councillors:

- . filing of nominations and registrations
- . determining election spending limits
- . declaring results
- . receiving financial disclosure statements
- . conducting recounts.

The clerk of each area municipality will be responsible for all other aspects of the election of the Regional Chair and Regional Councillors.

Policing

There will be a regional governing body for policing as of January 1, 1995. As of this date, all members of the municipal police forces become employees of the new regional police services board. Arrangements for the delivery of policing services will be determined by the Regional Police Services Board in conjunction with the Ministry of the Solicitor General and Correctional Services. All municipalities within the Region, including the five townships (Cumberland, Rideau, West Carleton, Goulbourn and Osgoode) will contribute to the costs of policing the Region.

The new Regional Police Services Board shall amalgamate the three local police organizations by January 1, 1996.

All assets and liabilities of the existing local forces (Ottawa, Gloucester and Nepean) will become the responsibility of the Region and the Regional Police Services Board as of January 1, 1995.

In the reorganization of the force, all municipal police and O.P.P. and civilian staff will be given priority in hiring for a period of one year. Provision for surplus rights for municipal police, O.P.P. and civilian staff will be established in regulation.

A committee will be established to facilitate the transition to a new regional police services board. The committee may be composed of representatives from the area municipalities, the Region, local police forces, the O.P.P., the Ministry of the Solicitor General and Correctional Services and the Ministry of Municipal Affairs

He also made many other recommendations which were directed at the municipalities for action. Among the most significant were:

- . referenda and opinion polls on any possible amalgamations, and
- . studies on library services, fire services, hydro and school boards.

A study on school boards in the Region is currently taking place.

Next Steps

The Ward boundary committee will report back to the Minister by September 3, 1993 with recommendations for the regional and local ward boundaries.

Throughout the remainder of 1993 and 1994 the policing transition committee will work toward implementation of regional responsibility for policing effective January 1, 1995.

The Minister intends to bring this legislation forward for Second and Third Reading at the Fall session of the Legislature.

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FOOTNOTES

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