

District Social Service Administration Board (DSSAB) Governance and Accountability Review

Final Report

28 February, 2018

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DSSAB Governance and Accountability Review: *Executive Summary and Recommendations*

1 Executive Summary

1.1 Overview of the Report

The report is divided into three major parts:

- **Overview:** This includes the executive summary of the report, summary of recommendations and an overview of the report structure.
- **Part A: Background and Findings** provides background and introduction to the review as well as a brief history of District Social Services Administration Boards (DSSABs). Key findings from the consultations and written submissions, research and jurisdictional review, and interviews with experts on the DSSABS are included in Part A. Part A of the report highlights key characteristics of Northern Ontario that impact DSSABs.
- **Part B: Analysis, Options and Recommendations** provides recommendations to enhance collective responsibility, transparency and accountability, and government oversight of DSSABs that can be implemented within the scope of this review.

Part A: Background and Findings

The following sections provide an executive summary of Part A: Background and Findings.

1.2 Introduction

District Social Services Administration Boards (DSSABs) were established in 1998 with a mandate to deliver social services in Northern Ontario. There are ten DSSABs across Northern Ontario located in the districts of Algoma, Cochrane, Kenora, Manitoulin-Sudbury, Nipissing, Parry Sound, Rainy River, Sault Ste. Marie, Thunder Bay and Timiskaming.

While the DSSABs have been functioning well for almost 20 years, a number of concerns have been raised by boards and municipalities regarding board governance and accountability. As a result, in September 2016, the Minister of Community and Social Services made an announcement to initiate a review of the DSSAB governance and accountability framework.

The mandate of the governance and accountability review is to help ensure the framework is strong, clear and promotes equitable and sustainable access to high-quality social services across Northern Ontario. The scope of the review includes all aspects of the DSSAB governance and accountability framework, including the DSSAB Act and Regulation and supporting acts, policies and/or guidelines (e.g., other legislation and regulations related to services delivered and/or

governing DSSABs, board by-laws, etc.). Out-of-scope topics include evaluating the effectiveness of the social services delivered by DSSABs, re-adjusting overall provincial funding levels of the social services programs, adding additional services to the DSSAB mandate and changing the Ontario Municipal Partnership Fund (OMPF) or methods of property assessment and taxation. These out-of-scope issues are not discussed in the body of the report. For information purposes, Appendix 1 provides a brief overview of out-of-scope issues raised during the consultation.

The review took a mixed-methods approach, using a combination of qualitative and quantitative data collection. The review and analysis included:

- On-site consultations with DSSAB board members, staff and municipal representatives;
- Analysis of written submissions from municipalities (endorsed by a municipality's council) and DSSAB representatives of Territories without Municipal Organization (TWOMO);
- Facilitation of interviews with DSSAB experts across various ministries¹; and
- Research and a review of other jurisdictions and models to understand lessons learned (including studies of consolidated municipal service managers (CMSM), Ontario's School Boards and Boards of Health).

The consultations focused on five questions on key topic areas that were determined by the Ministry of Community and Social Services (MCSS) and partner² ministries based on issues raised by DSSABs and municipalities, and endorsed by the Northern Ontario Service Deliverers Association (NOSDA), Federation of Northern Ontario Municipalities (FONOM) and the Northwestern Ontario Municipal Association (NOMA). The questions related to apportionment, board composition, transparency and accountability, access to financing, and term start dates.

The following principles, developed by the province and endorsed by NOSDA, FONOM and NOMA, have guided the development of recommendations to change/enhance the governance framework:

- Clear roles and responsibilities;
- Collective accountability for local social services;
- Transparent processes;
- Responsiveness to change; and,
- Financial sustainability.

¹ Ministry interviews were conducted with representatives from the Ministry of Municipal Affairs, Ministry of Housing, the Ministry of Health and Long Term Care, and the Ministry of Education.

² Ministry partners include the Ministry of Municipal Affairs, Ministry of Housing, Ministry of Finance, Ministry of Health and Long-term Care, and Ministry of Education.

1.3 History and Current State of DSSABs

The DSSAB model has a history that dates back almost twenty years. The model is rooted in key decisions made by the Provincial Government starting in the late 1990s that established the DSSABs and initial cost sharing/accountability arrangements for the delivery of social services between municipalities and the province. Milestones to date include:

- The re-alignment of local services in 1998 where costs for social housing, social assistance, public transit, childcare, public health, and land ambulance services were fully or partially assumed by municipalities. At the same time, costs for education were fully assumed by the Province. Through LSR, the Province also provided municipalities with increased revenues by transferring residential education property tax revenues to municipalities and funding through the Community Reinvestment Fund (CRF);
- The consolidation of municipal services, in the same year, where Consolidated Municipal Service Managers (CMSM) and DSSABs were identified as the governing structures for Ontario Works, child care, social housing, and in some cases land ambulance services, supported by the creation of governance and accountability frameworks for municipal service management that were enshrined in legislation; and,
- The Review of Provincial-Municipal Fiscal and Service Delivery in 2008, where the Province agreed to fully fund the Ontario Disability Support Program (ODSP) by 2011, as well as fully upload the municipal costs of Ontario Works benefits (income and employment assistance) by 2018.

1.4 Key Findings of the Review

Findings from the review consultations, written submissions and research were categorized into various topics. These topics include:

1. Municipal Cost Apportionment;
2. Board Composition;
3. Transparency and Accountability;
4. Access to Financing;
5. Term Start Dates; and,
6. Other Research Findings.

Municipal Cost Apportionment

Findings on apportionment are divided into the following sub-issues:

- Apportionment Formula and Guiding Principles;
- Apportionment Based on Assessment;
- Apportionment Decision-Making Process;
- Uploading of Costs; and,
- Taxation Approach.

Based on input from consultations and written submissions, the review considers how the municipal cost apportionment formula and the approach to changing the formula can be adjusted to enhance collective responsibility. Specifically, the review considers whether the current regulated formula based on weighted property assessment is a good proxy for ability to pay and whether double majority is the best approach to changing the apportionment formula.

As described in Section 1.2, a number of alternate models of service delivery were identified and reviewed to gather input on possible approaches that would inform the DSSAB review. Research on apportionment found that approaches to apportionment differ across consolidated municipal service managers (CMSM), Ontario's School Boards and Boards of Health. School Board funding is decided provincially using complex formulas set out in regulations. Lessons can be drawn from CMSM and Board of Health models which focus on negotiated apportionment approaches backed by arbitration to resolve disputes. All comparator models face similar challenges for councillors in balancing local constituent interests and those of the wider district or region.

Board Composition

Findings on board composition are divided into the following sub-issues:

- Shared Representation;
- Balancing Representation with Size, Contribution and Usage;
- Representation of Territories without Municipal Organization areas (TWOMOs); and,
- Selection and Qualification of Board Members.

Based on input from consultation and written submissions, the review considers approaches to board composition which will enhance collective responsibility and address the potential addition of different views and perspectives to board deliberations. Specifically, the review considers whether all municipalities should be represented on the board and whether additional representation should be added.

Research identified alternative approaches to board composition. Upper tier municipalities and School Boards include representation from each municipality/ward at the governing decision making body which can result in some boards that are larger than governance literature suggest is ideal (few recommend greater than 12 to 15 members). All models examined attempt to ensure representation and voting is weighted to reflect differences in the populations of municipalities, wards or areas being represented, and provide flexibility to allow for un-elected representation at boards, either provincially appointed (Boards of Health), appointed by councils (Boards of Health), or elected/appointed by specific groups (School Boards provide seats for First Nations and non-voting Student Trustees).

Transparency and Accountability

Findings on transparency and accountability are divided into the following sub-issues:

- Knowledge of the DSSABs;
- Transparency of Board Decisions;
- Board Practices and Procedures;
- Role of Board Members;
- Consolidation of DSSAB Legislation; and,
- Government oversight of DSSABs.

Based on input from consultations and written submissions, the report explores opportunities to increase transparency by improving knowledge and information about DSSABs to the public and municipalities, and to reassess the appropriate overseeing ministry of the DSSAB Act. The report also discusses opportunities to provide clarity and specificity on board practices and processes which may result in improved governance and accountability and enhanced confidence in DSSAB decision-making.

Research on transparency and accountability found that both the Municipal Act and Education Act provide legislative frameworks with clarity and specificity about board practices, processes and requirements to strengthen governance, accountability and public transparency in decision-making, which promotes consistent approaches across the province. While the DSSAB Act is supported by interim Governance and Accountability Guidelines issued by MCSS that largely mirror requirements set out in the Municipal Act, there are opportunities to strengthen these requirements within the Act or Regulations.

Access to Financing

Findings on access to financing are divided into the following sub-issues:

- Ability to Borrow;
- Direction on Reserve Funds;
- Direction on and Ownership of Debt; and,
- Access to Grants.

Input from consultations and written submissions suggest that DSSABs require access to financing to be able to support capital projects, and to manage cash flow in certain situations. Since the DSSAB Act and regulations are not sufficiently clear for lending institutions to have a common understanding of the parameters of the DSSAB's ability to borrow, some DSSABs have had difficulty accessing financing through the banks. Further clarity on parameters to borrow would increase DSSAB financing options. In addition, DSSABs do not have access to Infrastructure Ontario (IO) financing which would provide access to an additional and cost effective source of financing. Some municipalities did not support access to Infrastructure Ontario financing for DSSABs because they were concerned that this would limit the amount of IO funding available for other municipal priority initiatives.

Research and interviews with ministries responsible for School Boards, CMSM, and Boards of Health did not uncover any issues faced by comparator boards regarding access to financing.

Term Start Dates

Findings on term start dates are divided into the following sub-issues:

- Term Limits;
- Alternate Representation; and,
- Misalignment of Term Start Dates.

Input from consultation and written submissions suggests that misalignment of the Board Member and Municipal Council term start dates during an election year is a common issue across DSSABs. In most situations these periods are anticipated and planned for, often by approving a budget either before or after the so-called “lame-duck” period. Addressing issues of alignment of terms start dates, alternate representation, and term limits likely does not require significant changes to the governance and accountability framework but could benefit from enhanced clarity in guidelines or regulation.

Research showed that misalignment of term start dates is less of an issue with CMSMs and School Boards because board representation is directly tied to an election process. With DSSABs, there is further delay in the period between election and appointment to a DSSAB since councils must decide on what member will be the board representative. The Municipal Act provides clear rules on what council decisions cannot be made between an election and the sitting of a new council. These rules are reflected in the DSSAB Interim Governance and Accountability Guidelines and could be strengthened in the Regulations.

Other Research Findings

There are several underlying characteristics of Northern Ontario that contribute to the challenges that have been identified with respect to DSSABs, and these include population, geography, economic trends, municipal structure, and unequal size of municipalities.

Part B: Analysis, Options and Recommendations

The following sections provide an executive summary of Part B: Analysis, Options and Recommendations.

1.5 Analytical Framework

The consultation process revealed that the current DSSAB framework is working well in many DSSABs and, in fact, some consultations raised concerns that the review might create issues for, or destabilize, DSSABs which are currently functioning effectively. Other DSSABs are experiencing challenges with respect to governance and accountability to a greater or lesser degree.

As options and recommendations for the future are considered, it is important to maintain a balance between continuing with those aspects of the current model that are working well in many DSSABs while identifying changes that could significantly reduce the challenges being experienced in other DSSABs.

As noted earlier, the consultation process, written submission and initial research was guided by five topic areas which were developed with input from NOSDA, FONOM and NOMA: apportionment, board composition, transparency and accountability, term start dates and access to financing.

These five original topic areas provided an excellent starting point for discussion and research, but it was recognized that additional issues could emerge during the course of the consultations or from the research undertaken by the OPTIMUS | SBR review team. This, in fact, was the case. The issue of term start dates was expanded in many consultation locations to include a discussion of maximum and minimum term lengths and length of term for the chair. Two other issues arose repeatedly during the consultations, for exploration. They were: unequal distribution of representation and related cost (i.e., large vs. small municipalities) and provincial oversight of DSSABs. These additional questions have been incorporated into the analysis of the review.

From this analysis, seven topic areas were divided into three broad groupings of issues.

Collective Responsibility for effective and equitable delivery of social services at a district level is a fundamental feature of the current DSSAB framework. Of the seven questions/issues to be discussed, three are closely linked and related to collective responsibility principles for delivery of social services. These are: apportionment, board composition, and unequal representation and cost. These issues are discussed in detail in **Section 8: Recommendations to Enhance Collective Responsibility** of the report.

The second group of issues relate to **transparency and accountability**. These address how well the operations and decision-making processes of the DSSABs are understood by municipalities

and the public and how a DSSAB board functions to ensure accountability. Transparency issues include: the need to build knowledge about the role and functions of DSSABs; and the need to improve communication practices to surrounding board decisions. Accountability issues include the need to clarify board practices, procedures and processes as they relate to:

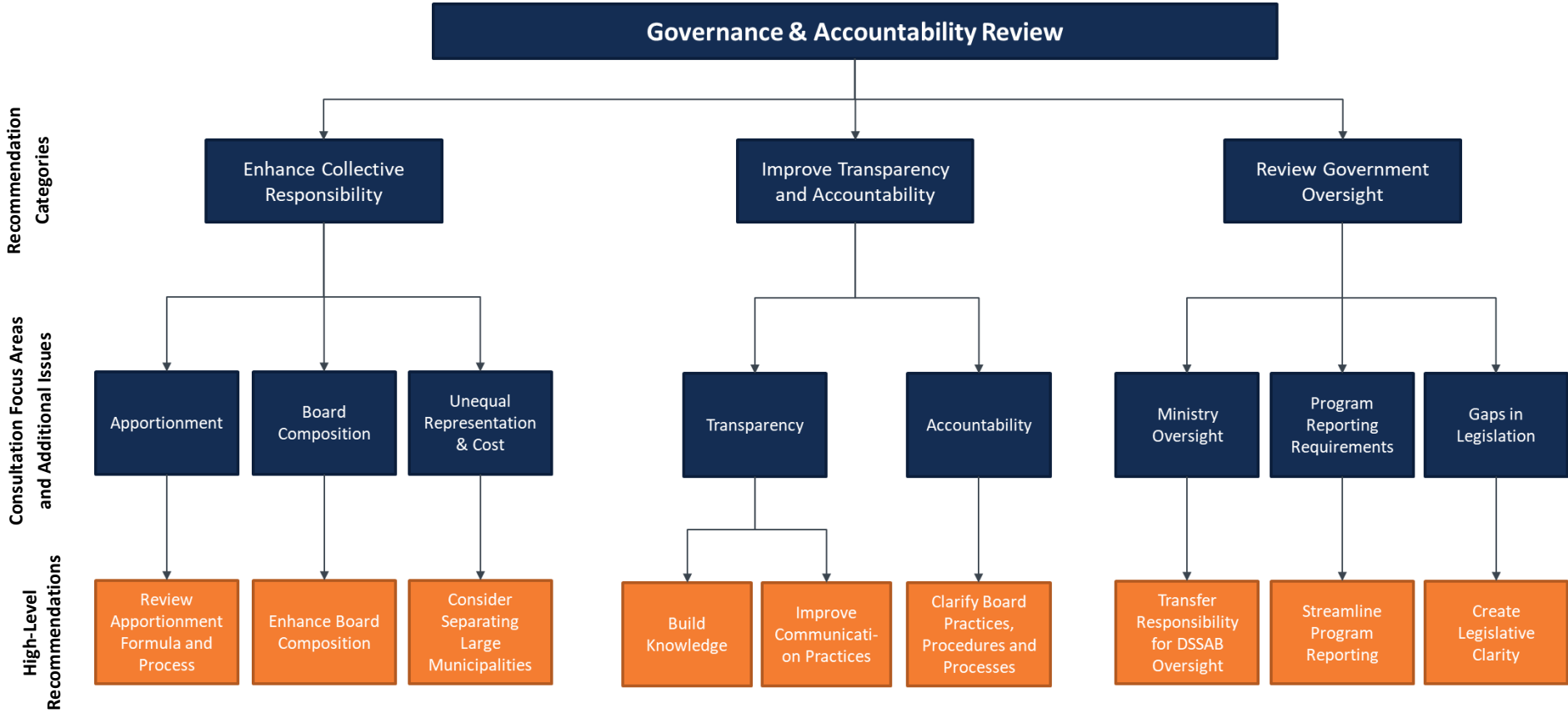
- Board member qualification and duties;
- Term start dates and lengths;
- Conduct of board meetings;
- Access to financing and related practices; and,
- Board member knowledge and capacity.

These issues are discussed in detail in **Section 9: Recommendations to Improve Transparency and Accountability** of the report.

Finally, the issue of **government oversight** of DSSABs arose in the consultations. This issue addresses whether government oversight of the DSSABs should be transferred from MCSS to another ministry. In addition, the issue of streamlining and coordinating program reporting requirements arose, as did concern about fragmentation of legislation related to DSSABs. **Section 10: Recommendations to Review Government Oversight** of the report includes options and recommendations to address these oversight issues.

Based on this analysis of the issues to be addressed and the three major groupings of issues, the following framework has been used to identify and analyze options and guide the development of recommendations.

Overall Analytical Framework



1.6 Recommendations to Enhance Collective Responsibility

Overall effectiveness of the DSSAB model, including support of the principle of collective responsibility, is dependent on an approach to apportionment which is considered fair to all municipalities. There are two sub-issues to be addressed with respect to considering apportionment of the DSSAB costs among municipalities: reviewing the default apportionment formula and adapting the process for changing the apportionment formula to meet local needs.

The report recommends that the current default formula for the apportionment of the municipal portion of DSSAB costs continues, but that guidance be provided to DSSABs who are considering approaches that may provide a better proxy for ability to pay. Consideration could also be given to including a factor which is related to use of service as long as it does not outweigh those factors related to the ability to pay.

In addition, the report recommends that the double majority basis for changing the apportionment formula be supplemented by requiring a third party analysis of the impact of change, if the change is significant or if requested by a municipality, and a binding dispute resolution process. The third party analysis should also consider whether the proposed new apportionment formula is sound and fair to all municipalities.

With respect to board composition, it is recommended that the current composition be retained but that processes to involve municipalities that do not have a direct representative be enhanced. It is also recommended that additional non-voting members be considered to expand the range of skills and perspectives on the board.

To address the issue of unequal representation and cost, the report suggests that consideration be given to allowing for the separation of the large municipalities in Northern Ontario from their current DSSAB. Large municipalities would include Thunder Bay, Sault Ste. Marie, North Bay and Timmins (City of Greater Sudbury is already a separate CMSM). It is proposed that a business case be developed by any DSSAB considering this option to determine how the remaining DSSAB and the resulting CMSM, for the large municipality, could remain financially sustainable while providing equitable and quality services. Approval for the change would be granted only if the business case demonstrates that the new configuration is financially viable and maintains service levels.

These recommendations can be considered individually and will have an impact on enhancing collective responsibility, but since the issues that negatively impact collective responsibility are closely linked, greater impact will be achieved if they are implemented as a package.

1.7 Recommendations to Improve Transparency and Accountability

Issues of transparency and accountability came up across all consultation sessions, from the perspectives of staff, board members and municipal representatives, in different ways.

Transparency issues relate to:

- A perceived lack of knowledge among the public and municipalities regarding the role and functioning of DSSABs; and,
- Inconsistent processes for communicating with board members and municipal representatives about DSSAB board decisions.

Accountability issues relate to a perceived lack of clarity and consistency and inconsistent implementation of board processes, procedures and practices, in the following areas:

- Qualification and duties of board members;
- Term start dates and other issues related to term length;
- Conduct of board meetings;
- Access to financing and related financial practices; and,
- Board member knowledge and capacity.

Transparency

In order to build knowledge about the DSSABs, there is a recommendation to develop a comprehensive information and communication approach. Content would be targeted to the public and municipalities through multiple channels of communication. Some information would be common across all DSSABs while some information would be DSSAB-specific.

To provide greater transparency to municipalities on board decisions, a guideline on communications best practices is recommended.

Accountability

With respect to accountability, it is recommended that the current guidelines on *Role of the DSSAB Board, Chair, Officers and Employees (Guideline #1)* be incorporated into a regulation. It is also suggested that the Municipal Conflict of Interest Act apply to DSSAB board members. A DSSAB Board Skills and Qualifications Guide should be developed to assist municipal councils to appoint board members with the appropriate skills and interest.

With respect to term start dates, it is recommended that Interim Guideline #9: Transition Period Following Election, which sets out what decisions should not be made during the transition period, be explicitly stated in regulation. Additional clarity on term lengths and term for the chair are also recommended.

To improve and standardize how DSSAB boards function, the report recommends that each DSSAB develop a code of conduct based on common elements. Several other aspects of board processes

are addressed, including virtual attendance at meetings electronically, circumstances under which closed meetings can be held, and allowing video and live streaming of meetings.

On the issue of financing, it is recommended that DSSAB ability to borrow be established more clearly in regulation. Greater clarity on the ability to hold reserve funds is addressed, as is how DSSAB debt will be addressed should a DSSAB default on a loan. To improve clarity regarding auditing and financial statements, it is recommended that the province formalize provisions in the *Interim Guideline #6: Audit Requirements* and *Interim Guideline #7: Financial Statements* by adopting them in regulations.

Finally, orientation for board members and ongoing professional development for board members is recommended.

1.8 Recommendations to Review Government Oversight

Government oversight of DSSABs was discussed at several consultations and it is recommended that consideration be given to transferring this responsibility to the Ministry of Municipal Affairs. The report also suggests that program reporting requirements be streamlined and that an information document be developed which specifies connections between all Acts and Regulations that apply to DSSABs and possibly, in the longer term, that legislative amendments clarify and resolve any inconsistencies in legislation that apply to DSSABs.

2 Summary of Recommendations

The recommendations below are divided into three groupings based on the structure and analysis in the report. They are:

- Enhance collective responsibility;
- Improve transparency and accountability; and,
- Review government oversight.

All recommendations in these three groupings can be implemented within the current DSSAB framework. Taken together, they will substantially address all key issues that were identified and analyzed as part of the review.

During the course of the review, both in consultations and based on the research conducted, approaches that go beyond the current DSSAB framework emerged. This type of fundamental change goes beyond the scope of the review.

2.1 Enhance Collective Responsibility

The report identifies three issues that impact the ability/willingness of DSSABs and the municipalities that they are comprised of to adhere to the principle of collective responsibility. The three issues are:

- Apportionment;
- Board composition; and,
- Unequal distribution of representation and cost.

The recommendations in the report related to these three areas suggest approaches that will support collective responsibility or conversely will mitigate the circumstances in which collective responsibility may break down.

Any of the recommendations in this section will contribute to enhanced collective responsibility (see **Section 8: Recommendations to Enhance Collective Responsibility** for further information). However, the issues which contribute to challenges to collective responsibility are closely linked. Therefore, greater impact will be achieved if they are considered as a package so that all three issues are addressed.

Taken together, the recommendations will lead to a substantial improvement in the current DSSAB model, in particular to supporting the principle of collective responsibility for service delivery.

High-Level Recommendations	Detailed Recommendations
Review Apportionment Formula and Process	<p>To reflect that the current default formula (or a variation of it) has met the needs of most DSSABs, it is recommended that:</p> <ol style="list-style-type: none"> 1. There continues to be a default formula in regulation that is based primarily on ability to pay to embed the principle of collective responsibility in the apportionment of the municipal portion of DSSAB costs. 2. The current default formula be retained. 3. Continue to allow individual DSSABs to change their apportionment formula from the default formula. 4. Guidance material be developed which provides input for DSSABs considering a change to the default formula. The guidance could include factors that may result in a better proxy for ability to pay and guidance on how a factor related to differential level of service use could be incorporated while retaining a foundation of ability to pay for the formula. <p>To create a process for changing the apportionment formula which will result in greater acceptance of the result, it is recommended that:</p> <ul style="list-style-type: none"> ▪ The double majority as the process for altering the apportionment formula be supplemented by: <ul style="list-style-type: none"> – Requiring an independent, third party analysis of the impact of proposed changes to the apportionment formula if the impact on any municipality is anticipated to exceed a threshold percentage (to be determined) or if requested by any municipality. <p>Providing for a dispute resolution process which will result in a binding decision where some municipalities are unwilling to accept the decision arrived at through the double majority process.</p>
Enhance Board Composition	<p>With respect to board composition and voting responsibilities, it is recommended that:</p> <ol style="list-style-type: none"> 1. The status quo related to board composition, with some board members representing several municipalities, should be retained. 2. Voting members of the DSSAB board continue to be elected municipal officials. 3. Elected TWOMO representatives continue to be voting board members, except for items related to changing the apportionment formula (see above). 4. Communication with municipalities that are not directly represented should be enhanced (see recommendation 9.3.1). <p>To reflect governance best practice to include a range of skills on the board, and to bring additional voices and perspectives to the board, it is recommended that, in addition to municipal and TWOMO representatives:</p> <ol style="list-style-type: none"> 1. The province have the option of appointing 1 - 2 additional board members as members-at-large to provide particular skills and/or perspectives which will enhance board deliberations; and

High-Level Recommendations	Detailed Recommendations
	<ol style="list-style-type: none"> 2. The DSSAB boards have the option to appoint additional members with particular skills and perspectives to enhance board decision-making; and 3. Voting members continue to be elected municipal officials and TWOMO representatives (except for apportionment decisions) while Provincial and board appointees be non-voting members of the board.
Consider Separating Large Municipalities	<p>In order to allow further consideration of whether larger municipalities should be separated from their current DSSAB, it is recommended that:</p> <ol style="list-style-type: none"> 1. DSSABs which include a larger municipality have the option of developing a business case for the separation of the larger municipality from the DSSAB. The business case must demonstrate: <ul style="list-style-type: none"> ▪ Consensus among all members of the District; ▪ Net benefit to all residents of the District; ▪ Ability of the new DSSAB and CMSM to deliver services equitably and effectively and without substantial new investment by the province. 2. If the business case for separating the larger municipality is demonstrated to the satisfaction of the province, the larger municipality be constituted as a CMSM and the remaining municipalities be included in a reconfigured DSSAB.

2.2 Improve Transparency and Accountability

Issues of transparency and accountability came up across all consultation sessions, from the perspectives of staff, board members and municipal representatives, in different ways. Transparency issues relate to:

- A perceived lack of knowledge among the public and municipalities regarding the role and functioning of DSSABs; and,
- Inconsistent processes for communicating with Board members and municipal representatives about DSSAB board decisions.

Accountability issues relate to a perceived lack of clarity and consistency regarding board processes, procedures and practices, in the following areas:

- Qualification and duties of board members;

- Term start dates and other issues related to term length;
- Conduct of board meetings;
- Access to financing and related financial practices; and,
- Board member knowledge and capacity.

The recommendations in this section address those key issues that arose in the consultation process related to transparency and accountability (see Section 9: **Recommendations to Improve Transparency and Accountability** for further information). The recommendations consider when the province should mandate particular approaches and when DSSAB boards should have latitude to respond to local circumstances.

High-Level Recommendations	Detailed Recommendations
Build Knowledge	<p>Transparency of DSSAB role and functioning among the public and municipalities: To enable the public and municipalities to understand the role and functioning of the DSSAB it is recommended that a comprehensive information and communication approach be developed collaboratively by the Province and NOSDA with input from FONOM and NOMA including:</p> <ol style="list-style-type: none"> 1. Targeted content for both the public in the form of a DSSAB Service Guide and for municipalities in the form of a high level overview of DSSAB operations and good governance practices; 2. Multiple communication channels such as online, in-print, and in-person to ensure the information is accessible to all people living in the North; and, 3. A provincial website that provides information common to all DSSABs with links to each DSSAB website which would have a common look and feel where information specific to a district would be provided.
Improve Communication Practices	<p>Transparency of DSSAB board decisions among board members and municipalities: To provide greater clarity with respect to decisions made by the board and the municipalities, it is recommended that a guideline on communications best practices be developed by the province, DSSABs and NOSDA in consultation with FONOM and NOMA. The best practices communications guideline could include a requirement to explicitly indicate how the upload of costs to the Province has impacted the overall municipal share of DSSAB costs. Transparency on how changes in municipal assessment may affect future levies for other municipalities in the district could also be included in communications material.</p>
Clarify Board Practices,	<p>Accountability – Qualification and Duties of Board Members:</p> <ol style="list-style-type: none"> 1. To improve clarity with respect to the role of DSSAB board members in representing the well-being of all people who live in the district as a whole, it is recommended that the roles and responsibilities of the DSSAB board, chair, officers and employees, as set out in <i>Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees</i>, be explicitly stated

High-Level Recommendations	Detailed Recommendations
Procedures and Processes	<p>in regulation. It is also recommended that a discussion of the role of DSSAB board members in representing the well-being of the district as a whole be included in a board orientation package.</p> <ol style="list-style-type: none"> 2. To improve clarity with respect to the application of the <i>Municipal Conflict of Interest Act</i> to all members of a DSSAB board (including TWOMO) it is recommended that the requirement highlighted in <i>Interim Guideline #5: Municipal Conflict of Interest Act</i> be explicitly stated in regulation. 3. To provide greater clarity on the types of skills and knowledge that a DSSAB board member should have to be effective in their role, it is recommended that the province create a DSSAB Board Skills and Qualifications Guide. This guide would support the selection of councillors who have the specific skills or expertise to serve as a board member, or the selection of those who are interested in developing these skills. <p>Accountability – Term Start Dates and Other Issues Related to Term Length:</p> <ol style="list-style-type: none"> 1. To improve clarity with respect to the activities of existing board members after the municipal election and before the new DSSAB board members’ term of office commences, it is recommended that the requirements for decision-making during a transition period, as stated in <i>Interim Guideline #9: Transition Period Following Election</i> be explicitly stated in regulation. It is also recommended that the province establish in regulation that after election day the term of office of a member continues until his or her successor becomes a member of the board. 2. To improve clarity with respect to term minimum and maximum, it is recommended that the province clarify in regulation that board members are appointed for a minimum term of four years and may continue to serve consecutive terms of office as long as they continue to hold their position as a municipal councillor and continue to be appointed to the DSSAB board by their council. For consistency this recommendation would apply to TWOMO and non-elected board members. <ol style="list-style-type: none"> a. Although a minimum term may prevent municipalities that share a board seat from having direct representation on the board, over multiple terms of office, it will address the challenge of turnover within a term of office. Turnover within a term of office creates inconsistency and can make it challenging for the board to operate and govern effectively. It is however recommended that a minimum term be established, only if, the Province also adopts a guideline and structure that clarifies how municipalities that share a board seat are expected to communicate before and after board meetings (see recommendation #4 below). b. It is also recommended that the DSSAB Board Skills and Qualifications Guide include a discussion of best practices with respect to appointing board members for consecutive terms of office that reflects best practices applied to provincial adjudicative and regulatory agencies in the Agencies and Appointments Directive, which states that terms of appointment should be a maximum of ten years, in total.

High-Level Recommendations	Detailed Recommendations
	<p>3. To provide for greater local control over the term length of the Chair, it is recommended that the requirement for appointment of the position of Chair annually be removed and replaced with the requirement for a local by-law that describes the term limit of the Chair.</p> <p>4. To provide greater clarity for municipalities that share a board seat regarding how to bring forward information through their representative, as well as when and how information is communicated back to the municipalities, it is recommended that the province create a guideline for communication procedures and processes for municipalities that share a board seat. This guideline would specify that after election each municipality that will not have direct representation on the board for that term of office designate one municipal councillor as their DSSAB communications lead. The guideline should further specify that the appointed DSSAB board member for the shared region be responsible for communicating via teleconference with the other municipal DSSAB communications leads:</p> <ol style="list-style-type: none"> a. In advance of DSSAB board meetings to review the agenda items and gather any information that the DSSAB communications leads would like the appointed member to bring forward to the board on their behalf; and, b. After DSSAB board meetings to review what was discussed at the meeting and the decisions that were agreed upon by the board. <p>Accountability – Conduct of Board Meetings</p> <p>1. To enable boards with the tools to set expectations regarding establishing rules for conduct of DSSAB board meetings, it is recommended that the province and NOSDA, in consultation with FONOM and NOMA develop the elements of a by-law that would go into regulation regarding a code of conduct for board members. The code of conduct could include the following elements³:</p> <ol style="list-style-type: none"> a. Act with integrity and with the obligation to maintain the well-being of the district; b. Attend and come prepared to participate in board meetings; c. Avoid personal advantage and conflict of interest; d. Respect others who may have differing opinions; e. Adhere to board policies; f. Respect confidentiality of information obtained in private and closed sessions of the board and of confidential information obtained in their capacity as members of the board; and, g. Uphold decisions made by the board, even if an individual board member does not agree with them.

³ Ontario Ministry of Education. School Board Governance: A Focus on Achievement. Review Committee to the Minister of Education of Ontario. April 2009: <http://www.edu.gov.on.ca/eng/policyfunding/grc/grcReview.pdf>

High-Level Recommendations	Detailed Recommendations
	<p>2. To make board meetings more accessible to members across the North, it is recommended that <i>Interim Guideline #3: Procedure By-Law</i> be established in regulation and that a subsection be created specific to electronic attendance at open board meetings. It is also recommended that board members be permitted through regulation to attend open board meetings electronically in emergency situations as long as they are not counted in determining whether or not a quorum of members is present at any point in time. This regulation should also specify that in a given year board members must attend a majority of sessions in person.</p> <p>3. To clarify the circumstances under which a closed meeting can be held, it is recommended that requirements around closed meetings outlined in <i>Interim Guideline #2: Closed Meetings</i> be reviewed/updated in consultation with DSSABs, NOSDA, FONOM and NOMA and established in regulation. It is also recommended that in consultation with these groups, there also be consideration of including in regulation the closed meetings investigation process described in the <i>Municipal Act</i>.</p> <p>4. To align with direction provided by the Ombudsmen⁴ with respect to video recording open and closed meetings and live streaming open board meetings to the public, it is recommended that this be included in a guideline for DSSAB boards, providing for local discretion over the approach preferred by the district.</p> <p>Accountability – Access to Financing and Related Financial Practices:</p> <p>1. To improve clarity regarding the ability of DSSABs to borrow, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation (or legislation if required) the DSSABs’ ability to borrow for both capital and operating expenses. This should include clarity on the DSSAB’s ability to borrow from Infrastructure Ontario.</p> <p>2. To improve clarity on a DSSAB’s ability to hold reserve funds, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation the maximum reserve fund holdings for both capital and operating expenses. This should include clarity on the process for holding reserve funds year-over-year and when reserve funds should be returned to the municipalities.</p> <p>3. To improve clarity on the ownership of debt, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation who is responsible for assuming the ownership of debt in the event that a DSSAB defaulted on a loan.</p>

⁴ Office of the Ombudsmen. OMLET Annual Report: 2011-2012 pp12-13: <http://www.ontla.on.ca/library/repository/ser/319911/2011-2012.pdf> AND OMLET Annual Report: 2012-13 pp.16-17: https://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution_1.pdf

High-Level Recommendations	Detailed Recommendations
	<p>4. To improve clarity regarding auditing and financial statements, it is recommended that the province establish in regulation the requirements for financial statements as outlined in <i>Interim Guideline #6: Audit Requirements</i> and <i>Interim Guideline #7: Financial Statements</i>. It is also recommended that Interim Guideline #7 be updated to provide further direction on financial disclosure and public posting of financial statements and/or whether they should be shared directly with municipalities. The province and NOSDA, in consultation with FONOM and NOMA, should also consider whether the requirement for submission of financial statements and approval of the annual budget within four months of a DSSAB's fiscal year end, be extended to 6 months in an election year. This would provide new board members with additional time to onboard and understand the DSSAB budgeting and financial statement approvals processes.</p> <p>Accountability – Board Member Knowledge and Capacity:</p> <ol style="list-style-type: none"> 1. To improve clarity on good governance practices and knowledge of DSSAB social services among board members, it is recommended that the province and NOSDA, in consultation with FONOM and NOMA, develop a professional development approach for board members. This should provide a comprehensive overview of key content relevant to the role of a DSSAB board member, should use different communication channels (in-person, in-print and web-based) to target board members and be offered annually with the option for refresher courses. 2. To improve consistency of training and key messages, it is also recommended that elements of the professional development training approach relevant to all DSSABs be led by a neutral third party. 3. To foster collaboration and knowledge sharing across the districts, it is recommended that periodic conferences and/or in-person training sessions be held for board members and DSSAB leadership. For example, one session could be held in the North East and one in the North West.

2.3 Review Government Oversight

The issue of government oversight came up in several consultations, but not all. Issues related to:

- Transferring responsibility for oversight of the DSSABs;
- Streamlining program reporting requirements; and,
- Creating legislative clarity.

These recommendations will result in oversight that is consistent with oversight of the CMSMs in Southern Ontario, reduced program reporting burden on DSSABs and more consistent and comparable performance metrics, and enhanced clarity for staff, board members and municipalities on what legislation applies to DSSABs.

High-Level Recommendations	Detailed Recommendations
Transfer Responsibility for DSSAB Oversight	1. It is recommended that primary responsibility for oversight of the DSSAB Act, as well as authority within the Act, and primary responsibility and oversight of the DSSAB model be transferred from MCSS to MMA as this approach is consistent with the current oversight approach for CMSMs in the South.
Streamline Program Reporting	1. To support the goal of human services integration and streamline reporting requirements, it is recommended that MCSS, MOHLTC, EDU and MOH work together with NOSDA to implement streamlined funding and reporting arrangements with DSSABs, where applicable. This would include harmonizing reporting requirements, frequency and timelines across their service agreements with DSSABs. Such an arrangement could be phased- in with one or two DSSABs identifying challenges and solutions, prior to roll out to all DSSABs.
Create Legislative Clarity	<ol style="list-style-type: none"> 1. To improve clarity regarding gaps in legislation in the short-term it is recommended that the province create an information document which specifies connections between all Acts and Regulations that apply to DSSABs. 2. To provide greater clarity in the long-term, it is recommended that the government in collaboration with a legal expert consider legislative amendments which resolve any inconsistencies across statutes and regulations that apply to the DSSABs. This would include assessing whether to amend all acts that apply to the DSSABs or to consolidate all acts that apply into one piece of legislation.

3 Report Structure

The following table provides an overview of the Report Structure to guide the reader. The report includes three major sections:

1. **Overview:** This includes the executive summary of the report, summary of recommendations and an overview of the report structure.
2. **Part A:** Background and Findings.
3. **Part B:** Analysis, Options and Recommendations.

#	Section	Page #	Section Description	Sub-Sections
Executive Summary and Recommendations				
1	Executive Summary	5	This section provides a summary of key messages from all components of the report.	N/A
2	Summary of Recommendations	17	This section provides a summary of the recommendations resulting from the DSSAB governance and accountability review.	N/A
3	Report Structure	26	Current section – this section provides a guide to the reader to support navigation of the document	N/A
Part A: Background and Findings				
4	Introduction	30	This section provides information on the purpose and rationale for this report and the DSSAB governance and accountability review, initial topics for consultation, and the approach and principles guiding the review.	<ol style="list-style-type: none"> 1. Background on DSSAB Governance and Accountability Review 2. Mandate, Scope and Outcomes for the Review 3. Approach to DSSAB Governance and Accountability Review 4. Consultation Focus Areas


#	Section	Page #	Section Description	Sub-Sections
5	History & Current State of DSSABs	35	This section provides background information on the history of DSSABs and their current structure.	1. DSSAB Model Origins
				2. Current State of DSSABs
6	Key Findings of the Review	48	<p>This section provides summaries of the information gathering activities on:</p> <ul style="list-style-type: none"> ▪ The issues identified by participants during the consultations, ▪ What can be learned from similar social services delivery structures in relation to governance and accountability, and ▪ Characteristics of the North that have implications for DSSAB governance and accountability 	1. Consultations and Written Submissions
				2. Research and Jurisdictional Review Summary
				3. Characteristics of the North
Part B: Analysis, Options and Recommendations				
7	Analytical Framework	66	In this section, the analysis framework is presented along with the core questions and problems.	1. Need for Change and Core Issues
				2. Detailed Topic Areas for Consideration
				3. Evaluation Framework
8	Recommendations to Enhance Collective Responsibility	73	In this section, the options and recommendations related to enhancing collective responsibility in DSSABs are developed.	1. Overview of Enhance Collective Responsibility
				2. Review Apportionment Formula and Process
				3. Enhance Board Composition
				4. Consider Separating Large Municipalities
				5. Evaluation of Measures to Enhance Collective Responsibility

#	Section	Page #	Section Description	Sub-Sections
9	Recommendations to Improve Accountability and Transparency	118	In this section, the options and recommendations related to enhancing transparency and accountability in DSSABs are developed.	1. Overview of Recommendations to Improve Accountability and Transparency
				2. Transparency
				3. Accountability
				4. Evaluation of Measures to Enhance Accountability and Transparency
10	Recommendations to Review Government Oversight	162	In this section, the options and recommendations related to provincial government oversight of DSSABs are developed.	1. Overview of Review Government Oversight
				2. Transfer Responsibility for DSSAB Oversight
				3. Streamline Program Reporting
				4. Create Legislative Clarity
				5. Evaluation of Measures to Review Government Oversight
Appendix				
11	Out-of-Scope Discussions	174	This appendix provides an indication of out-of-scope issues raised during the consultation for information purposes.	N/A
12	Characteristics of Northern Ontario	179	This appendix provides additional detail on characteristics of Northern Ontario that are relevant to the review.	N/A
13	Consultation Participation	185	This appendix provides information on attendance at the consultation sessions.	N/A
14	Interim Governance and Accountability Guidelines for DSSABs	186	This appendix includes the Interim Governance and Accountability Guidelines for DSSABs created before this review.	N/A
15	Discussion Guides	190	This appendix includes an overview of the questions discussed with DSSAB leadership and staff, DSSAB board members and municipal representatives.	N/A

DSSAB Governance and Accountability Review: *Part A*

Background and Findings

4 Introduction

 <p>Section: Introduction</p>	Section Description	<p>This section provides information on the purpose and rationale for this report and the DSSAB governance and accountability review, initial topics for consultation, and the approach and principles guiding the review.</p>
	Sub-Sections	<ol style="list-style-type: none"> 1. Background on DSSAB Governance and Accountability Review 2. Mandate, Scope and Outcomes for the Review 3. Approach to DSSAB Governance and Accountability Review 4. Consultation Focus Areas

4.1 Background on DSSAB Governance and Accountability Review

In Northern Ontario (with the exception of the City of Greater Sudbury and Muskoka which was considered part of the North at the time), District Social Services Administration Boards (DSSAB) are the consolidated entities responsible for the delivery of social services. DSSABs deliver the following social services on behalf of the province, each of which have separate Acts and regulations governing the service's funding and accountability arrangements with the respective ministries:

- Ontario Works (Ministry of Community and Social Services);
- Child Care (Ministry of Education);
- Social Housing (Ministry of Housing); and, in some cases,
- Land Ambulance (Ministry of Health and Long-Term Care).

DSSABs are composed of two types of members – members representing single tier municipalities, and members representing territories without municipal organization (TWOMO). As part of the government's Local Services Realignment in 1998, ten DSSABs were established.

Since the implementation of the DSSAB Act in 1998, a number of concerns have been raised by Boards and municipalities regarding board governance and accountability. As a result, in September 2016, MCSS made an announcement with the support of ministry partners⁵, to initiate a review of the DSSAB governance and accountability framework. MCSS also engaged NOSDA,

⁵ Ministry partners include the Ministry of Municipal Affairs, Ministry of Housing, Ministry of Finance, Ministry of Health and Long-term Care, Ministry of Education.

FONOM and NOMA to identify/confirm key issues, and to endorse the key parameters for the review, including the endorsement of the review's scope, stakeholder engagement strategy and guiding principles.

As part of ensuring the review was conducted from a neutral viewpoint, MCSS recognized the need and value of engaging a third party. Through a competitive procurement process, OPTIMUS | SBR was selected as the successful vendor in July 2017 by MCSS, to undertake the review.

4.2 Mandate, Scope and Outcomes for the Review

4.2.1 Review Mandate

OPTIMUS | SBR partnered with MCSS to design and implement a review of the governance and accountability framework of DSSABs in accordance with the established parameters to help ensure the framework is strong, clear and promotes equitable and sustainable access to high-quality social services across Northern Ontario. The review has provided an opportunity to learn from the experience of DSSABs across Northern Ontario to share best practices and lessons learned and to outline the structural changes needed to do the job effectively.

4.2.2 Review Scope

In-Scope	Out-of-Scope
All aspects of the DSSAB governance and accountability framework, including the DSSAB Act and regulation and supporting Acts, policies or guidelines (e.g., other legislation and regulations related to services delivered and/or governing DSSABs, board by-laws, etc.)	The following topics are out-of-scope for the project: <ul style="list-style-type: none"> ▪ Evaluating the effectiveness of the social services delivered by DSSABs; ▪ Re-adjusting overall provincial funding levels per the social services programs; ▪ Adding additional services to the DSSAB mandate; and, ▪ Changing the Ontario Municipal Partnership Fund or methods of property assessment and taxation.

This report focuses only on in-scope issues.

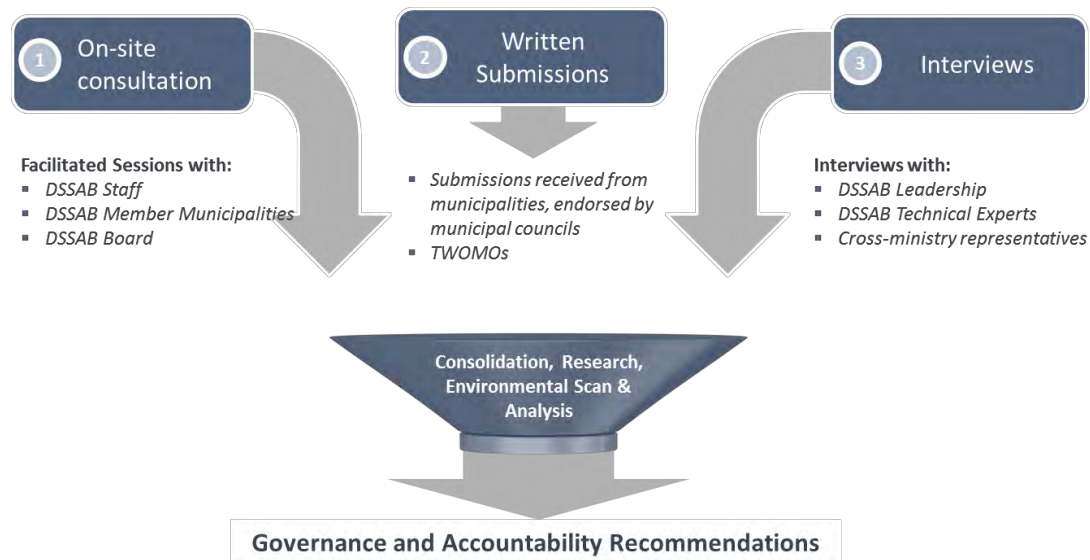
4.2.3 Review Outcomes

A successful review aims to deliver the following outcomes:

1. Clear recommendations for ensuring the governance and accountability framework for DSSABs is strong, clear, and promotes equitable and sustainable access to high-quality social services across Northern Ontario;
2. A better understanding of targeted changes that can be made to the current DSSAB governance and accountability framework to address issues relating to structure, process, cost apportionment, board composition, accountability, transparency, and other tools; and,
3. A review process that has been widely seen as consultative and transparent.

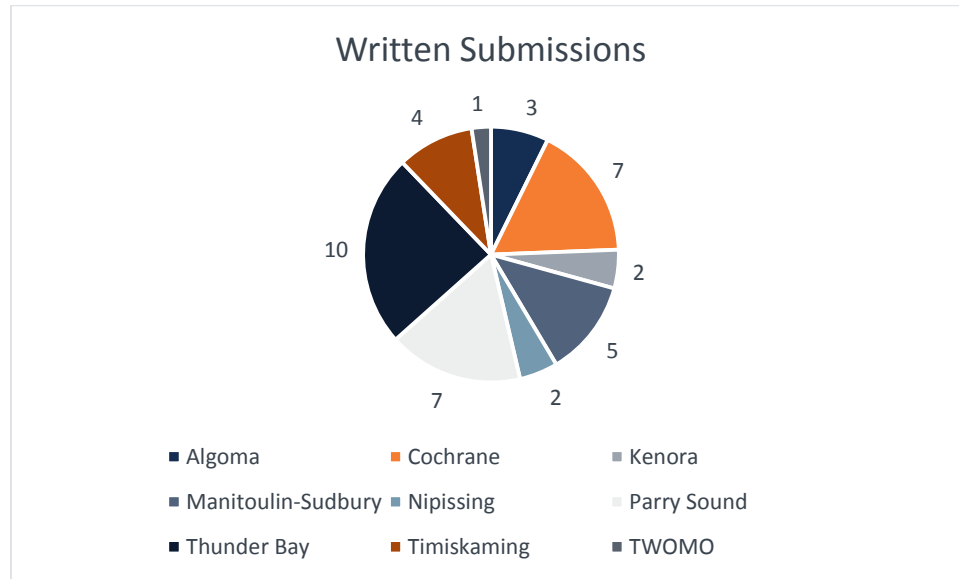
4.3 Approach to DSSAB Governance and Accountability Review

This review took a mixed-methods approach, using a combination of qualitative and quantitative data collection, review and analysis.



On-site consultations were held in all 10 Districts, with separate sessions for each of staff, boards and municipal representatives. A session was also conducted with representatives from the District of Kenora Unincorporated Areas Ratepayers Association (DoKURA).

Written submissions were accepted through the course of the review from August 28th, 2017 until November 13th, 2017. Written submissions were received from 40 municipalities and one TWOMO.



In addition to written submissions and consultations, information was also gathered through interviews with each of the 10 DSSAB Chief Administrative Officers and 5 groups of Ontario ministry experts, including those in the Ministry of Community and Social Services, Ministry of Municipal Affairs, Ministry of Health and Long-Term Care, and Ministry of Education.

Research included a review of key comparator models such as governance and accountability approaches for School Boards, local Boards of Health, and for Consolidated Municipal Service Managers. Interviews were held with ministries that oversee these models to validate research efforts and to identify lessons that could inform analysis, options and potential recommendations to improve approaches to governance and accountability for the DSSAB model.

4.4 Consultation Focus Areas

An important component of the review approach was the on-site consultations that were conducted in each district.

DSSABs play a critical role in the planning, funding and delivery of social services for the residents of Northern Ontario. Over nearly twenty years, their success has been built upon a commitment to partnership, sense of common purpose, and shared responsibility for all residents in the district. Governance and accountability are foundational to how member municipalities and TWOMOs work together, share costs and make decisions, and therefore, play a significant role in how services are delivered and what level of service is available in each community.

Despite their success, the following five issue categories were identified by MCSS, in consultation with NOSDA, FONOM and NOMA as issues highlighted across the DSSABs, and therefore as topics that require consideration through the review process, including:

- Apportionment;
- Board Composition;
- Transparency and Accountability;
- Access to Financing; and,
- Term Start Dates.


It was recognized that the importance of these issues varies from DSSAB to DSSAB. However, to ensure consistent input from all ten DSSABs, all five issues were considered in each DSSAB through a standardized and consistent consultation process.

Written submissions also focused on these five topics.

The following principles, developed by the province and endorsed by NOSDA, FONOM and NOMA have guided the development of recommendations to change/enhance the governance framework:

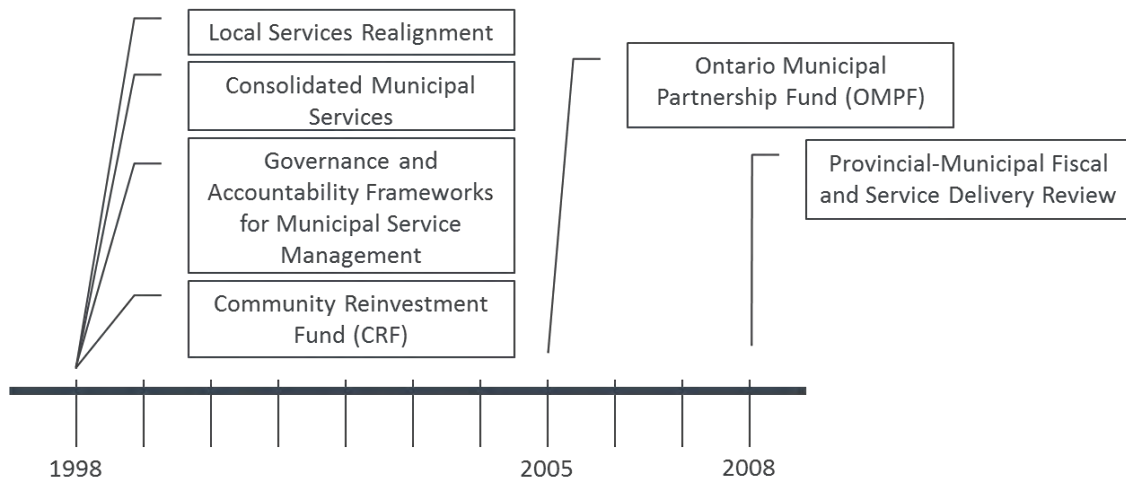
- Clear roles and responsibilities;
- Collective accountability for local social services;
- Transparent processes;
- Responsiveness to change; and,
- Financial sustainability.

5 History & Current State of DSSABs

 Section: History & Current State of DSSABs	Section Description	This section provides background information on the history of DSSABs and their current structure.
	Sub- Sections	1. DSSAB Model Origins 2. Current State of DSSABs Today

5.1 DSSAB Model Origins

The DSSAB model has a history that dates back almost twenty years and is rooted in key decisions made by the Provincial Government in the 1990s. A brief summary of the main events from the decision to create DSSABs in 1998, and the evolution of the model over time, is provided below.



1998 – Local Services Realignment: Early in 1998, the province announced a comprehensive reform of the provincial-municipal relationship. Through LSR, the Province transferred responsibility for a number of services including social housing, social assistance, public transit, childcare, public health, and land ambulance to municipalities. In return, the Province assumed responsibility for education funding. The Province also provided municipalities with increased revenues by transferring residential education property tax revenues to municipalities. The government also provided municipalities with assistance through the Community Reinvestment Fund (CRF). In addition to the Local Services Realignment (LSR) changes to service responsibility, LSR changes also included related municipal restructuring and labour adjustment legislation,

development charges and tax rebate program changes, debt and investment provisions, and a discussion of local service delivery options in the North.

For example, part of the LSR reform package included changes to assessment and property tax policy, including a major overhaul of education financing.

The foundation on which the new provincial-municipal relationship was formed included implementation of an up-to-date, province-wide assessment system, and tax policies that provide greater decision-making at the municipal level.

1998 – Consolidated Municipal Services: To prepare for consolidation of municipal service provision, two Consolidation Planning Frameworks were provided: one for Northern Ontario and one for Southern Ontario. These decisions were finalized and approved in 1998 resulting in a reduction of the number of municipalities and boards responsible for managing services from 196 to 47. As a result, 37 Consolidated Municipal Service Managers and 10 District Social Services Administration Boards were identified as the governing structures across the province to deliver Ontario Works, Child Care, and Social Housing services on behalf of the province, as well as Land Ambulance in most districts. The CMSM model was the governance model identified for Southern Ontario due to establishment of regional/county (or large single-tier) municipal government models that could take on provincial social services administration responsibilities. Northern Ontario, on the other hand, had no similar upper-tier government framework to support consolidation. This reality necessitated an alternate governance model for shared municipal administration of provincial services. The DSSAB model envisioned private, statutory corporations clustering geographically dispersed single-tier municipalities and territories without municipal organization into 10 districts. The DSSAB model was built on a pre-existing District Welfare Administration Board model in place for six northern districts to provide coverage of all of Northern Ontario. Although the City of Greater Sudbury is geographically located in Northern Ontario, and Muskoka was previously considered part of Northern Ontario at the time, they are exceptions to this arrangement and are CMSMs.

1998 – Governance and Accountability Frameworks for Municipal Service Management: To support the consolidation of municipal service management, CMSMs were able to be designated under statutes such as the Ontario Works Act and the Day Nurseries Act effectively allowing established municipal structures to administer these programs. As municipalities, they operated under the established governance and accountability framework of the Municipal Act. For the North, two statutes had to be created to provide appropriate governance and accountability frameworks to support municipal service delivery of key social services. The *District Social Services Administration Boards Act, 1990*, under the Ministry of Community and Social Services organized northern municipalities and territories without municipal organization into 10 distinct district-based corporations designed to collaboratively administer key social services. The Act established a governance and accountability framework that set out: the responsibilities of the DSSABs and

how they will operate; board representation and governance; and a default cost apportionment formula based on weighted assessment that allows local flexibility to modify cost apportionment.

An alternate governance and accountability framework for the North was developed during the period that anticipated the possible expansion of optional services to be delivered by DSSABs through Area Service Boards (ASB). The *Northern Services Boards Act (NSBA)*, under the Ministry of Northern Development and Mines, which came into force in 1999, allows for the creation of ASBs to facilitate the consolidation of service delivery, over large geographic areas including municipalities and unincorporated territory. This framework allowed groups of municipalities and territories without municipal organization to voluntarily submit proposals to become an ASB. ASBs would expand the range of services provided by DSSABs to include land ambulance, public health and municipal homes for the aged, as well as propose the delivery of a number of optional services. Despite several groups submitting proposal to further explore the development of proposals to form an ASB, a number of impediments were identified by proponents and the government that prevented the further exploration of ASBs at that time. As a consequence, no ASBs have been created, and all further efforts regarding ASBs have been suspended since approximately 2003, including those of stakeholder groups.

1998 – Community Reinvestment Fund: The Community Reinvestment Fund (CRF) was established in 1998 with the objective of ensuring that the LSR initiative was and remains revenue neutral to municipalities by annually providing payments making up the difference between net LSR costs transferred and municipal tax room

2005 – Ontario Municipal Partnership Fund (OMPF): The OMPF was introduced in 2005 and replaced the previous Community Reinvestment Fund. The OMPF program was redesigned in 2014 to better target funding to northern and rural municipalities with more challenging fiscal circumstances. The OMPF continues to serve as the province's main unconditional transfer payment to municipalities and aims to: support areas with limited property assessment; recognize the challenges of northern and rural municipalities, while targeting funding to those with more challenging fiscal circumstances; and assist municipalities as they transition to the redesigned program. OMPF provides unconditional grants which municipalities can use as required including to cover their DSSAB levies.

2008 – Provincial-Municipal Fiscal and Service Delivery Review (PMFSDR): After close to a decade of experience with municipal service management, the PMFSDR undertook a comprehensive look at roles, responsibilities and relationships between the province and municipalities. The 2008 report was developed jointly by the provincial government, Association of Municipalities of Ontario (AMO) and the City of Toronto and recognized the challenges municipalities have faced meeting the increasing demands of infrastructure investment and program delivery. A shared vision guided recommendations to strengthen provincial-municipal approaches to support effective social services delivery in the province.

As part of the PMFSDR agreement, the Province committed to uploading a number of municipal costs that had previously been transferred to municipalities as part of the Local Services

Realignment in 1998. The uploading of these costs was AMO's top priority during the PMFSDR discussions. As a result of the provincial uploads, Ontario municipalities are benefiting from more than \$2 billion in reduced costs in 2018, for a total benefit of \$13.5 billion since the uploads began in 2008.

The removal of these costs from the property tax base has provided municipalities with more flexibility to invest local tax dollars in their communities. At the time of the agreement, infrastructure investments were identified as a priority and a rationale for uploading by municipalities.

The agreement set out a phased schedule for the provincial government to upload the costs of various social assistance program costs including the Ontario Drug Benefit (ODB) by 2008, the Ontario Disability Support Program (ODSP) – including benefit and administration costs by 2011; and Ontario Works by 2018 (see table on following page).

A central part of the agreement to upload these costs from the municipal tax base was that the Ontario Municipal Partnership Fund (OMPF) would be reduced to \$500 million by 2016 because municipal costs that the program supported would go down as the uploads were implemented. Specifically, the social programs grants of the OMPF would be phased out so that municipalities would not be compensated for costs that they were no longer incurring.

In 2007 – the year prior to the PMFSDR – municipalities were responsible for \$1.2 billion in social assistance benefit program costs. With case load growth, increasing cost shares and rate increases, these costs (which are now incurred by the Province) have grown to more than \$2 billion in 2018. These costs to the Province and the resulting benefit to the municipal sector will continue to grow as the uploads are implemented and as the growth in the cost of the uploaded programs continues. As a result, the Province has removed a significant risk from municipalities by assuming the continued growth in costs of the uploaded programs.

To illustrate the province's increased program funding role, the MCSS financial expenditures in support of Ontario Works program delivery for 2016-17 amounted to \$2.3 billion in financial assistance, as well as \$204 million in employment assistance and \$201 million for Ontario Drug Benefits. In addition, the province's contribution to shared administrative costs for Ontario Works service delivery amounted to \$376 million.

Provincial Upload Benefit for Municipalities by DSSAB ⁶(\$)

DSSAB	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Algoma	631,500	1,080,400	2,444,800	3,954,700	4,704,000	5,114,500	5,538,400	5,841,500	5,953,700	6,636,700
Cochrane	1,233,900	2,268,600	5,479,600	8,413,700	10,001,800	10,415,700	10,735,400	11,227,300	11,554,100	13,300,300
Kenora	154,600	469,000	951,400	1,462,300	2,205,900	2,419,900	2,669,600	2,767,600	2,819,600	3,285,100
Manitoulin/ Sudbury	350,500	657,800	1,530,000	2,351,700	2,749,800	2,965,900	3,171,700	3,405,400	3,521,300	3,764,700
Nipissing	1,722,200	3,196,800	7,492,800	12,149,400	14,468,100	15,396,300	17,077,400	18,590,100	19,412,800	21,536,600
Parry Sound	589,700	1,064,300	2,452,500	3,941,600	4,538,600	4,916,700	5,629,000	6,072,600	6,346,800	7,251,700
Rainy River	119,600	264,400	595,400	915,800	1,039,100	1,101,800	1,224,800	1,359,700	1,448,700	1,686,800
Sault Ste Marie	1,514,900	2,848,800	6,731,800	10,655,800	12,515,100	13,280,000	14,649,000	15,784,800	16,206,100	18,114,300
Thunder Bay	2,125,500	3,853,900	9,336,500	15,126,400	18,653,000	20,072,300	21,532,800	23,539,800	24,056,600	26,036,700
Timiskaming	567,100	1,073,800	2,528,600	4,073,200	4,721,300	4,751,400	5,000,700	5,323,400	5,408,500	6,196,200

While changes since 2008 have both lessened the financial impacts of program delivery on DSSABs and have helped to strengthen and clarify roles, consultations suggest that there remain further opportunities to strengthen how the province and municipalities support social services delivery in Northern Ontario under today's DSSAB governance and accountability framework.

5.2 Current State of DSSABs

This section provides a brief description of the current governance and accountability framework for DSSABs as described in legislation, regulation and an interim guideline developed in 2006⁷. These current state characteristics provide baseline information to support findings, analysis and recommendations in the following sections.

5.2.1 DSSAB Legislative Framework and Service Specific Statutes

The governance and accountability framework for DSSABs is primarily established under the District Social Services Administration Boards Act, 1990 and the associated Regulation 278/98. However, DSSABs administer social services programs established in a number of service specific statutes and associated regulations. These service specific statutes typically establish requirements that apply to DSSABs related to funding, cost sharing, financial assistance, and approaches to apportionment among other things. Key service specific statutes that govern the programs and services administered through DSSABs include:

⁶ Table provided by the Ministry of Finance, January 2018

⁷ Interim Governance and Accountability Guidelines for District Social Services Administration Boards (DSSABs) (2006)

- Ontario Works Act, 1997 (Ontario Works Program);
- Child Care and Early Years Act, 2014 (Child Care Programs);
- Housing Services Act, 2011 (Social & Affordable Housing Programs); and,
- Ambulance Act, 1990 (Land Ambulance).

5.2.2 DSSAB Act

The DSSAB Act, in addition to setting out geographic areas as districts and identifying the services provided by DSSABs, also sets out the general governance and accountability framework for the DSSAB model. As referenced above, the DSSAB Act must be read in conjunction with a number of other service specific statutes to fully capture the framework of legislation that guides the mandate of DSSABs.

Among other things, the DSSAB Act sets out the following:

- **The Minister establishes the DSSAB boards** which are corporations (incorporated by statute) and board composition is set out in Regulations.
- **Boards are empowered to administer social services** under other Acts and regulations, prescribing provincial and municipal contributions for services, and are responsible for funding the designation as a service provider delivery of these services in the district on behalf of their municipal members and TWOMOs.
- **Boards must appoint an administrator** and other staff as necessary for administration of the DSSAB.
- **The Lieutenant Governor In Council has the authority to make regulations** under this Act in a number of areas including the definition of:
 - **Districts and services:** designating districts; division into areas, services to provide; clarifying which statutes prevail when requirements conflict/overlap;
 - **Board composition:** basic formula (population, rateable property, TWOMO); size; qualifications; appointment of chair; terms of office; dissolution provisions;
 - **Cost apportionment:** among municipalities and TWOMO within a district; how cost estimates, actuals, reconciliation, and reserves are handled;
 - **Contribution amounts:** provincial/municipal to boards; processes for recovery of unpaid funds;
 - **Record keeping and reporting:** records to be kept; returns made to the Minister; and,
 - **General:** any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

The Regulations under the Act (O.Reg 278/98) in place today set out the following:

- **Services:** lists Ontario Works and Child Care services provided by the DSSABs (other service specific Acts for housing and land ambulance provide this authority directly to DSSABs);
- **Districts:** schedules assign northern municipalities into districts for each DSSAB;
- **Board Composition:** schedules determine board membership; areas members represent; and manner of appointment by municipal councils;
- **Member Qualification:** board members must be members of a municipal council; TWOMO members must meet age, residency and property requirements; no members to be paid employees of the board;
- **Terms of Office:** terms limited to 4 years, start of term on January 1 following start of municipal term; rules on filling vacancies; right to re-appointment (no limits); conditions for removal/replacement of members (becomes ineligible, failure to attend 3 consecutive meetings without authorization, resignation, or death); and appointment of TWOMO member when residents fail to select one;
- **Board Chair:** board appointment of a chair from members to 1 year term that can be renewed; appointment of replacement due to resignation or death;
- **Default Cost Apportionment:** Rules for apportionment are complex. Some sections of the DSSAB regulation are reproduced to ensure clarity. The regulation sets out that as a first step costs are to be divided between the costs attributed to municipalities and the costs attributable to unincorporated areas:

6. (2) For the purposes of this section, if the area of jurisdiction of a board includes a territory without municipal organization,

- a) the costs of social services attributable to the areas of the board comprised of municipalities are the actual costs of social services for all of those areas, including the costs of administration with respect to those costs; and
- b) the costs of social services attributable to the areas of the board comprised of territory without municipal organization are the actual costs of those social services for that territory, including the costs of administration with respect to those costs.

The Regulation also sets out Approval by the Director under OWA of cost attribution (i.e., separation of actual costs associated with TWOMO which are 100% paid by the province, from costs that are to be apportioned by municipalities). The regulation sets out under Section 6.(4) a default apportionment formula that applies to the municipal portion of costs and is based on a municipality's share of the district's weighed property assessment where:

$$A=B*(C/D)$$

A = the amount to be apportioned to the municipality;

B = the amount determined under clause (2) (a);

C = the sum of the weighted assessments for all of the properties in the municipality; and,

D = the sum of the weighted assessments for all of the properties in all of the municipalities.

Note: apportionment rules established in the DSSAB Regulation apply to Ontario Works and Child Care services (where no municipal agreement is in place). Approaches to cost apportionment for land ambulance and housing services are established in service specific statutes although they generally mirror the approach set out in the DSSAB Regulation. This is also true regarding the rules to change the cost apportionment formula.

- **Change to Cost Apportionment:** where a majority of municipalities and TWOMO members consent (and represent a majority of electors in a board’s district); and municipal councils of consenting members pass a supporting majority resolution; and,
- **Estimates and Reserves:** process for boards to apportion costs based on estimate expenditures; limits to board reserves in a year (15% of annual estimates); process for adjustments for variances in future years.

The DSSAB Act and Regulations have not been updated significantly since the initial creation of the DSSAB model. Additional Interim Governance and Accountability Guidelines were created in 2006 to clarify governance and accountability requirements for DSSABs and promote consistency across the various DSSABs in place. The guidelines both elaborate on existing requirements under the DSSAB Act and Regulations as well as provisions that govern municipalities under the Municipal Act to enhance governance and accountability without requiring regulatory amendments. Topics include:

- **Roles** for the board, chair, officers and employees;
- **Meeting** guidance for when it is appropriate to hold closed meetings;
- **Procedure By-Law** guidance identifying some of the recommended contents;
- **Notice policy** guidance that identifies minimum matters requiring appropriate notice;
- **Conflict of interest** guidance clarifying application of municipal conflict rules;
- **Financial statement and audit** process and timing requirements;
- **TWOMO election** administration requirements;
- **Election transition** guidance on decisions not to take until new board term begins; and,
- **TWOMO vacancy** guidance and criteria for filling a vacant position.

Despite the expectation of MCSS that these interim guidelines are adhered to by all DSSABs, consultation input suggests that because they are “interim” and “guidelines” they are not consistently applied across DSSABs.

5.2.3 DSSABs and Changes to Municipal/Provincial Contributions

Since the Local Services Realignment initiative began in 1998, there has been a shift over time in the formulas that determine the provincial and municipal contributions to social services programs administered by DSSABs. Significant changes have been made to provincial-municipal cost sharing arrangements to reduce the burden of these costs on the municipal property tax

base. The table below shows key changes from the creation of the DSSAB model to cost sharing approaches in place today for municipalities⁸.

Social Services Programs	Cost-Sharing Percentages			Notes
	Provincial/Municipal		Current Status	
	Pre-1998	Post-1998		
Social Assistance				
OW Benefits	80/20	80/20	100/0	Phased upload began in 2010, completed January 1, 2018
OW Administration ⁽¹⁾	50/50	50/50	50/50	Additional support
ODSP and SSP Benefits	100/0	80/20	100/0	Upload completed in 2011
ODB Benefits for SA Recipients	100/0	80/20	100/0	Upload completed in 2008
ODSP Administration	100/0	50/50	100/0	Upload completed in 2009, upload does not include Sole Support Parents (SSP) ⁽²⁾ .
Child Care Fee Subsidies				
Program Costs	80/20	80/20	80/20	Since 2005-06 at least 80% provincial, up to 20% municipal
Administration	80/20	50/50	50/50	Since 2005-06 at least 50% provincial, up to 50% municipal
Child Care – Other				
Program Costs	100/0	80/20	80/20	Since 2005-06 at least 80% provincial, up to 20% municipal
Administration	100/0	50/50	50/50	Since 2005-06 at least 50% provincial, up to 50% municipal
Land Ambulance	100/0	0/100 in 98 50/50 in 99	50/50	2006 Budget provided additional funding to move towards 50:50 cost-sharing by 2008; 50:50 cost-sharing maintained since then.
Social Housing	100/0	0/100	0/100	Funding responsibility transferred in two phases - completed by 2002.

(1) - OW administration continues to be cost shared on a 50:50 basis between the Province and municipalities. Beginning in 2011, OW administration costs reflect a revised funding approach which will provide more than \$230 million to municipalities in additional support of these costs in 2014.

(2) - The Social Assistance Reform Act, 1997, created two separate statutes, the Ontario Works Act (OWA), 1997, and the Ontario Disability Support Program Act (ODSPA), 1997. The OWA was proclaimed May 1, 1998, replacing the General Welfare Act (GWA). ODSPA was proclaimed June 1, 1998. People with disabilities and permanently unemployable people under the Family Benefits Act (FBA) were transferred to the Ontario Disability Support Program (ODSP) on June 1, 1998. Sole-Support Parents (SSP) under FBA have been transferred to Ontario Works (OW).

⁸ Changes in Provincial-Municipal Cost-Sharing (1998-2018) - DSSAB Related Services, Ministry of Finance

(3) - Service delivery for social assistance, child care, land ambulance and social housing programs were transferred to 47 Consolidated Municipal Service Management (CMSM) and District Social Services Administration Boards (DSSABs) in Northern Ontario.⁹

The province pays the TWOMO portion of costs based on actual expenditures. Funding for these costs is collected by the province through the Provincial Land Tax.

5.2.4 DSSAB Board Structures Today

The current composition of board membership is established by O.Reg 278/98 under the DSSAB Act. All DSSAB Board members are elected officials or elected TWOMO representatives. For each DSSAB, the total number of board seats, as well as a breakdown of how each area within the district is represented, is described in the regulation’s Schedules. Where an area includes a number of municipalities that exceeds the number of allocated board seats, Boards have implemented various local approaches to rotate membership to the DSSAB board for the area.

Recent analysis performed by MCSS of the characteristics of board composition for DSSABs focused on how board seats are distributed across areas within a DSSAB as shown below:

A DSSAB board is subdivided into Areas. Each colour below represents an Area of a Board’s district– board seats are allocated to Areas accordingly:

DSSABs with 50%* or more of board seats belonging to one Area



(*The City of Thunder Bay represents 43% but has been placed in this grouping for analysis purposes)

⁹ Changes in Provincial-Municipal Cost-Sharing (1998-2018) - DSSAB Related Services, Ministry of Finance

This analysis demonstrates that there are DSSABs where there is close to 50% or more of the seats on the board are allocated to one area, typically the large municipality within the district, while another four DSSABs have one or two areas with somewhat higher seats for some areas, while in two DSSABs the seats on the board are relatively evenly distributed¹⁰.

5.2.5 Changes to Apportionment Formulas within DSSAB Districts

A DSSAB’s authority to deliver various services, and the framework for the apportionment of the cost of those services, is governed by the Acts and regulations of the respective ministries.

For Child Care, provincial regulations set out that costs are shared in accordance with an agreement entered into by all the municipalities in the District.

For Ontario Works, Social Housing and Land Ambulance services, and for Child Care in cases where municipalities do not otherwise have a unanimous agreement in place, provincial regulations establish weighted property assessment as the “default” method for apportioning costs. This default formula reflects the principle of collective responsibility which underpins the DSSAB mandate to ensure the provision of equitable services across vast geographical expanses and dispersed populations.

Recognizing diverse circumstances across Northern Ontario, these regulations also give DSSABs authority to adopt an alternate apportionment formula through a double majority vote (i.e. approved by the majority of municipal and TWOMO member areas, representing the majority of the electors in the District). To date, a number of DSSABs have made adjustments to the apportionment formula under this authority.

Over time, most DSSABs have changed the apportionment formula through the required “double majority” vote that is described in greater detail in **Section 6.2.1: Apportionment**. The table below shows the current apportionment formula in place today for each DSSAB.

Where it is known, the table includes when the formula was amended from the default weighted assessment formulas:

DSSAB	Apportionment Formula
Algoma DSSAB	Weighted assessment that includes Payment-in-Lieu property and formula for power dams (frozen using 2000 assessment values with 2001 ratios formula for power dam revenue). Current Value Assessment for TWOMOs.
Cochrane DSSAB	Current Value Assessment (CVA) used to determine unincorporated share of municipal costs. Balance of municipal costs is apportioned to municipalities using

¹⁰ The City of Thunder Bay now only accounts for 43% (6 out of 14) of the Thunder Bay DSSAB board seats. This was recently changed by way of amendment to the regulation in April 2017 adding two board seats thus reducing the city’s proportion of board seats from 50% to 43%.


DSSAB	Apportionment Formula
	weighted assessment method (includes adjustment for Payment-in-Lieu properties and power dams (frozen using 2000 assessment values with 2001 ratios formula for power dam revenue).
Manitoulin-Sudbury DSSAB	Municipal weighted assessment including power dams (frozen at 2001 amounts) and Payment-in-Lieu properties. TWOMO are apportioned at 19.9%.
Nipissing DSSAB	CVA used to determine unincorporated share of municipal costs. TWOMO are apportioned at 4.14%. Balance of municipal costs is apportioned to municipalities using weighted assessment (excludes Payment-in-Lieu properties and Exempt assessment)
Parry Sound DSSAB	Current Value Assessment (excludes exempt properties).
Sault Ste. Marie DSSAB	Weighted assessment (including Payment-in-Lieu properties and exempt property). Current Value Assessment adjusted for vacancy (30% and 35% reductions) in unincorporated.
Timiskaming DSSAB	<p>Social Assistance (Ontario Works & ODSP) 25% Adjusted Current Value Assessment (weighted by class) 25% Per Capita 25% Population 25% Caseloads</p> <p>Child Care, Land Ambulance, Social Housing: 50% Adjusted Current Value Assessment (weighted by class) 50% Population</p> <p><i>Adjustments are made at 25% for farmland, and PILs and Exempt properties are counted at 0. TWOMO for EMS is estimated based on MOH formula</i></p>
Thunder Bay DSSAB	Weighted assessment (including Properties-in-Lieu but not weighted).
Rainy River DSSAB	Weighted assessment (special formula for power dam revenue using 2000 values. Payment-in-Lieu excluded). Weighted average tax ratio for unincorporated.
Kenora DSSAB	CVA (includes Payment-in-Lieu of taxes, excludes exempted properties). Land Ambulance – MOHLTC calculation to reflect First Nations component

5.2.6 DSSAB Services

The following table itemizes the provincial social services administered by each DSSAB. Each DSSAB provides Land Ambulance, Social Housing, Child Care, and Ontario Works services, with the exceptions of Parry Sound and Thunder Bay which do not provide Land Ambulance services. Some DSSABs use different terminology to describe the services provided.

DSSAB	Land Ambulance	Housing	Child Care	Ontario Works
Algoma	✓	✓	✓	✓
Cochrane	✓	✓	✓	✓
Kenora	✓	✓	✓	✓
Manitoulin Sudbury	✓	✓	✓	✓
Nipissing	✓	✓	✓	✓
Parry Sound		✓	✓	✓
Rainy River	✓	✓	✓	✓
Sault Ste. Marie	✓	✓	✓	✓
Timiskaming	✓	✓	✓	✓
Thunder Bay		✓	✓	✓

6 Key Findings of the Review

 Section: Key Findings of the Review	Section Description	This section provides summaries of the information gathering activities across several sources.
	Sub-Sections	1. Consultations and Written Submissions 2. Research and Jurisdictional Review Summary 3. Characteristics of the North

6.1 Consultations and Written Submissions

Through the facilitation of 31 consultation sessions and review of 41 written submissions from member municipalities located in 8 of the 10 districts¹¹ and 1 TWOMO in the District of Thunder Bay, a large amount of information was collected, analyzed and consolidated into a number of themes to inform the development of key findings and subsequent recommendations. While some of the topics within the findings were of greater significance to participants, there was not consensus in perspective on most topics. The following section includes a summary of consultation findings. For analysis purposes, while the consultations focused on five topic areas, these have been adjusted slightly to combine board composition with accountability and address transparency as a stand-alone issue. The following table provides an overview of the consultation findings.

Key Discussion Topics				
Apportionment	Board Composition	Transparency and Accountability	Access to Financing	Term Start Dates
<ul style="list-style-type: none"> ▪ Apportionment Formula and Guiding Principles ▪ Apportionment Based on Assessment ▪ Apportionment Decision-Making Process 	<ul style="list-style-type: none"> ▪ Shared Representation ▪ Balancing Representation with Size, Contribution and Usage ▪ Unincorporated areas (TWOMOs) ▪ Selection and Qualification of Board Members 	<ul style="list-style-type: none"> ▪ Knowledge of the DSSABs ▪ Transparency of Board Decisions ▪ Board Practices and Procedures ▪ Role of Board Members ▪ Consolidation of DSSAB Legislation ▪ Government oversight of DSSABs 	<ul style="list-style-type: none"> ▪ Ability to Borrow ▪ Direction on Reserve Funds ▪ Direction and Ownership of Debt ▪ Access to Grants 	<ul style="list-style-type: none"> ▪ Term Limits ▪ Alternate Representation ▪ Misalignment of Term Start Dates

¹¹ Written submissions were received from municipalities in the districts of Algoma, Cochrane, Kenora, Manitoulin-Sudbury, Nipissing, Parry Sound, Timiskaming and Thunder Bay. There was also one written submission from a TWOMO.

6.1.1 Apportionment

In relation to apportionment, participants were asked *how effective is the current approach to apportionment?* Default apportionment formulas and rules regarding changes to apportionment are established by the different service specific Acts and Regulations.

For Child Care, provincial regulations set out that costs are shared in accordance with an agreement entered into by all the municipalities in the District. For Ontario Works, Social Housing and Land Ambulance services, and for Child Care in cases where municipalities do not otherwise have a unanimous agreement in place, provincial regulations establish weighted property assessment as the “default” method for apportioning costs.

This default approach to apportionment can be changed by individual DSSABs based on a double majority (greater than 50% of the district’s municipalities representing more than 50% of the population) vote. The default formula is based on the principle of collective responsibility, with weighted assessment reflecting an ability to pay by the municipalities within a district. Some DSSABs have retained the default formula with minor adjustments, while others have made changes to the formula over the years. The following are issues related to apportionment as identified through the consultation process:

- **Apportionment Formula and Guiding Principles:** Significant tensions have arisen in some DSSABs related to perceptions that the apportionment formula does not fairly balance what municipalities pay and what services they receive. While collective responsibility is a guiding principle of this review, participants in some DSSABs had different opinions on the importance of collective responsibility and how it is operationalized. Many felt that the apportionment approach, based on the ability to pay by the municipalities, is transparent and clear and indicated that the current approach is affordable for smaller municipalities. Most indicated that in the absence of a better system, this formula generally works and would not suggest changing it. However, a minority in the consultations felt strongly that apportionment should be more closely tied to use of services.
- **Apportionment Based on Assessment:** Weighted assessment as the approach for determining municipalities’ ability to contribute to the DSSAB is not seen by some as fair or equitable due to stated concerns with the accuracy of Municipal Property Assessment Corporation (MPAC) data that is used in the calculation, situations where collected tax revenue is less than assessed tax revenue, and appeals to MPAC assessments decreasing tax revenue. Weighted assessment was also seen by some not to fully consider a municipality’s ability to pay or the need for services by a community. (Note: Property assessments are used as the basis for the \$27B in municipal property tax and provincial education property tax in Ontario. All properties in the province are assessed on the basis of their current value. Assessments based on current value provide clarity and transparency and ensure that the distribution of municipal and provincial education taxes is fair and up to date. Reassessments are conducted every four years by the Municipal

Property Assessment Corporation (MPAC). This regular revaluation of properties ensures that assessments stay up-to-date and that similar properties of similar value in the same municipality pay similar taxes. As noted in MPAC's annual report, its property assessments meet international standards of accuracy. MPAC's valuation experts carefully review assessments and property classification changes on a routine basis to ensure that information used as the basis for assessments is current and accurate.)

- **Apportionment Decision-Making Process:** While many felt that the current process for altering the apportionment formula through double majority is reasonable, it is not perceived by all to be fair and equitable. Currently, there is no process for appealing a decision to alter the apportionment formula or for entering into dispute resolution. Most felt that the double majority approach is adequate as a *de facto* dispute resolution mechanism, others favoured an alternate dispute resolution process. Some parties believe that the approach to changing the formula favours larger municipalities due to a greater proportion of board seats guiding votes.

Implications for the Review

The review should consider how the apportionment formula and the approach to changing the formula can be adjusted to enhance collective responsibility. Specifically, the review should consider whether weighted average is a good proxy for ability to pay (see **Section 8.2.1: Apportionment Formula**) and whether double majority is the best approach to changing the apportionment formula (see **Section 8.2.2**)

6.1.2 Board Composition

In relation to board composition, participants were asked about *the strengths/weaknesses of the current approach to Board composition*. The following is a description of board composition issues identified through the consultation process.

- **Shared Representation:** Some municipalities in most DSSABs do not have direct representation on the board which means that decisions are made on behalf of constituents who did not elect the person making the decision as their representative. In addition, municipalities without representation may not receive as much feedback from the DSSAB board as those who have direct representation. Most participants from municipalities which share representatives on the board would prefer direct representation.
- **Balancing Representation with Size, Contribution and Usage:** The DSSAB Board composition was initially set-up to consider municipalities receiving board seats based on the size of their population and assessment of ratable property. However, as populations and assessments have changed over time, there is a perceived misalignment between

levies paid, services received, and opportunity for representation on the board. This perceived misalignment also results in a perception that the apportionment formula is unfair. Allocation of seats based on population results in large municipalities having many seats and small municipalities having one seat or sharing a seat. Small municipalities argue this creates decision-making and voting imbalances, while large municipalities argue that they should have greater decision-making influence as they pay a greater amount and represent more people.

- **Unincorporated areas (TWOMOs):** Some municipal representatives indicated it was unfair for TWOMOs to have a seat and/or vote on the board since they have influence on financial decisions on how the municipal portion of costs are apportioned but the province pays for TWOMO costs so they don't have a direct interest in these decisions.
- **Selection and Qualification of Board Members:** The only requirement for sitting on the DSSAB board is that they must be an elected municipal official, or an elected representative in the case of TWOMO¹². This links financial decision-making to the municipalities that provide DSSAB funding. However, this may mean that there is no opportunity to add board members with interest in social services, or with specific skills, or to increase diversity of perspective and expertise.
- **Adding New Perspectives to the Board:** Some DSSAB staff and board members indicated that some voices representing diverse viewpoints (e.g., Indigenous, Francophone, lived experience, provincial and community organizations), are missing from the board. Most municipal representatives felt that it is essential for board members to be elected officials because municipalities pay the DSSAB levy from their constituents' property tax contributions but a few municipal representatives questioned whether board members have to be elected members of council. Suggestions for non-elected representation included community members, provincial appointees and a greater focus on a skills-based approach to board composition. Some felt that the representative could be a councillor or not, but would require council appointment.

Implications for the Review

The review should consider approaches to board composition which will enhance collective responsibility and address the potential addition of different views and perspectives to board deliberations. Specifically the review should consider whether all municipalities should be represented on the board (see **Section 8.3.1**) and additional representation should be added to the board (see **Section 8.3.2**)

¹² Section 3.1(2) of the DSSAB regulation prescribes additional qualification for TWOMO representatives related to age, residency and ownership/tenancy of property.

6.1.3 Transparency and Accountability

In relation to transparency and accountability, participants were asked *how the current DSSAB governance and accountability framework could better enable the principles of accountability and transparency*. The following is a list of high level transparency and accountability issues identified through theming of the responses received during the consultation process.

- **Knowledge of the DSSABs:** The role of the DSSAB is not clear to the general public, some municipal representatives and some DSSAB board members. Development of tools and approaches for educating, sharing best practices and spreading awareness about the purpose of the DSSAB to its stakeholders was noted as an area for improvement. Some felt that each individual DSSAB is in the best position to develop content and orientate board members to their role and the purpose of the DSSAB; others felt that there could be a perceived conflict of interest if they have this responsibility exclusively and that the province should play a greater role in providing consistent information about the DSSABs.
- **Transparency of Board Decisions:** There are varying levels of understanding and knowledge among boards and municipal councils regarding what DSSAB decisions are made and/or the underlying discussion or rationale behind decisions. Materials used to communicate DSSAB decisions are not always accessible to municipalities and the public. As some board members represent multiple municipalities, board decisions are not always communicated back to the municipalities that do not have direct representation on the board.
- **Financial Transparency:** DSSABs are not required to report on how savings realized through the uploading of costs to the provincial government flows through to municipalities. Some municipalities indicated they have not benefited from the upload of Ontario Works/Ontario Disability Support Program and claim that DSSABs are maintaining the same municipal levies even while the costs for uploaded services are no longer paid for by DSSABs. It was indicated that some DSSABs may have chosen to reinvest these significant savings to improve or expand other services and infrastructure (e.g., housing). In such cases, DSSAB-member municipalities may not see a direct reduction in their levies but may have benefited through service enhancements. Some participants also noted that property tax appeals may result in claw back of municipal revenue, but there is no mechanism for adjustment to DSSAB levies that were based on the original assessment.

- **Board Practices and Procedures:** Internal board practices, guidelines, by-laws and processes are not standardized across districts. This includes rules and practices related to board meetings and in-camera components, public attendance, achieving quorum, and online posting of decisions. Although there are interim guidelines, they are viewed by some as an ineffective tool to assist with governance. DSSABs have developed different practices, by-laws and general rules to develop clarity in their own district.
- **Role of Board Members:** This issue arises because DSSAB board members have a fiduciary duty to consider the needs of all residents in their respective district, but all board members are also elected municipal officials with responsibility to their municipal constituents. As a result of this dual (“two hats”) role, some board members indicated that it is difficult to switch “hats” depending on whether they are at the DSSAB board or representing their municipal constituents. Some board members expressed difficulty in being able to represent the entire district in decision-making for the DSSAB when they are also accountable to the taxpayers who elected them and it is not transparent to others as to who the board member is representing. Others felt comfortable with their role on the DSSAB board and their collective responsibility to the district as a whole. This challenge was expressed by board members in some DSSABs, but not all.
- **Consolidation of DSSAB Legislation:** The legislative environment for DSSABs is complex, with multiple relevant Acts and regulations that must be followed. Relevant legislation is not consolidated and inconsistencies may exist or be perceived to exist. This includes legislation in relation to housing, Ontario Works, land ambulance, municipalities, child care, and accessibility.
- **Oversight of DSSABs:** The various ministries that partner to deliver service through the DSSABs are not well coordinated or aligned, and some feel that oversight of the DSSAB Act may not be best placed in MCSS. Performance reporting requirements are not standardized where it is required by different ministries. Many thought that oversight should be moved to the Ministry of Municipal Affairs, and some thought it should be moved to Ministry of Northern Development and Mines. This issue was raised in many, but not all DSSABs.

Implications for the Review

An opportunity exists to increase transparency by improving knowledge and information about DSSABs to the public and municipalities, including greater financial transparency (see **Section 9.2.1: Build Knowledge**). There is also an opportunity to provide clarity and specificity on board practices and processes which may result in improved governance and accountability and enhanced confidence in DSSABs. (see **Section 9.3.1: Clarify Board Practices, Procedures and Processes**). Consideration should also be given to which ministry is the appropriate oversight ministry for the DSSAB Act (see **Section 10.2: Transfer Responsibility for DSSAB Oversight**).

6.1.4 Access to Financing

In relation to access to financing, participants were asked about *what is necessary to support clarity and create a common understanding of the ability of DSSABs to borrow*. While access to financing was the initial topic of discussion during consultations, issues related to other financial practices were also raised. It should be noted that several DSSABs indicated that they have never had to borrow and do not anticipate this to be an issue in the future. Others indicated that they have not encountered any difficulty in borrowing when the need arose. The following are the issues related to financing identified through the consultation process.

- **Ability to Borrow:** Various stakeholder groups, including the DSSAB Board, municipalities, and financial institutions, do not have a clear understanding of the ability and requirements of the DSSAB to borrow for capital and operating costs. The DSSAB Act indicates that DSSABs may borrow up to 25% of their operating budget to cover operating costs, but does not provide guidance on ability to borrow for long-term capital investments. Opinions were mixed as to whether DSSABs should be able to borrow for operational purposes. Some DSSABs indicated that they have had difficulty getting loans from banks, while others indicated that this was not a problem for them. Many DSSABs would like to access funding from Infrastructure Ontario to borrow while some municipalities want to prevent DSSABs borrowing from this source as some municipalities feel this would decrease the borrowing opportunity of individual municipalities as there would be greater competition for limited funds.
- **Direction on Reserve Funds:** While the DSSAB Regulations indicate that the DSSAB “in preparing the estimates...may provide for a reserve for working funds in a year not to exceed 15 per cent of the total estimates of the board for the year”, there is a lack of direction regarding the maximum amount of reserve funds that can be held by a DSSAB year-over-year. This can lead to differences in opinion on whether the DSSAB should return reserve funds at the end of the year to a municipality or whether they are allowed to hold any remaining reserves to cover future years’ working funds. Reserve funds are created using municipal funds, while all unused provincial and federal funds are returned to the respective levels of government. This issue was raised in only a few DSSABs.
- **Direction and Ownership of Debt:** Except for some housing programs in four districts (see table below from O.Reg 367/11 Section 7: Directions of DSSAB service manager re debentures, s.16 (2) of the Act), DSSABs are not able to direct municipalities to borrow on their behalf, and municipalities are not incentivized to take on additional risk to support the DSSAB’s needs. Additional clarity on the impact of DSSAB debt on municipalities should be considered.

Item	DSSAB service manager	Prescribed municipalities
1.	District of Cochrane Social Services Administration Board	Town of Kapuskasing
2.	Kenora District Services Board	City of Dryden
3.	Manitoulin-Sudbury District Services Board	Town of Espanola
4.	Thunder Bay Social Services Administration Board	City of Thunder Bay

- **Access to Grants:** There is uncertainty around whether DSSABs can apply for funding from various granting organizations such as Trillium.

Implications for the Review

DSSABs require access to financing to be able to support capital projects, and to manage cash flow in certain situations. Since the Act and regulations are not sufficiently clear for lending institutions to have a common understanding of the parameters of the DSSAB's ability to borrow, some DSSABs have had difficult accessing financing through the banks, while others have indicated either a successful history of borrowing or no past need to borrow. Further clarity would likely increase DSSABs' financing options. Clarity on borrowing through Infrastructure Ontario could provide an alternate source of funding DSSABs. (See **Section 9.3.1: Clarify Board Practices, Procedures and Processes**)

6.1.5 Term Start Dates

In relation to term start dates, participants were asked about *how term start dates and municipal elections should be better aligned*. The following are the issues related to term start dates identified through the consultation process:

- **Term Limits:** Clarity is lacking on the minimum and maximum term limits for board members. This issue arose in several DSSABs. Some feel that without maximum term limits, board members may remain in their seat longer than may be ideal if ideas become entrenched. Conversely, others think that long-standing board members are an advantage because they have knowledge and experience on the DSSAB. With respect to minimum term limits, in some DSSABs, representatives are rotated frequently to accommodate some areas where one board member represents several municipalities. Some feel that without term minimums, the period of effective decision-making for each member is diminished as it takes time to sufficiently understand the complex DSSAB environment. Conversely, others do not want term minimums as this would limit their opportunity to directly represent their constituents, as in the case of shared representation. Most indicated that local decision-making on term limits is preferred. While the term length for the board chair is specified, there was similar concern related to successive appointments and lack of a total maximum term. Some questioned why board chairs are elected annually rather than for a longer term.
- **Alternate Representation:** There is no clear direction on whether alternate representation is allowed. Benefits may include sending an alternate that has deeper

knowledge and expertise on a topic to be discussed and decreasing time demands for board members travelling long distances. Alternate representation would increase workload demands on those who support training of new board members as the total number of board members would increase.

- Misalignment of Term Start Dates:** The misalignment, in election years, between term start dates of a board member and the start dates of municipal council were intended to allow municipalities time to appoint a DSSAB board member, especially in circumstances where more than one municipality must agree on a single representative. However, this misalignment creates risk that DSSABs have a time period where the ability to make decisions is limited. There is specific concern in regards to approving budgets. In an election year when the campaign period has started, the existing board member does not know if he/she will be re-elected and as a result if he/she will still represent the constituents. During this period, it is seen as appropriate for board members to limit their decisions as it cannot be known whether these decisions will be aligned with the perspective of the incoming elected municipal councillor. While some DSSABs find this misalignment and period of limited or suspended decision-making challenging, most DSSABs have created by-laws to enable continued decision-making or have operating practices which limit decision-making during this period. Many representatives from municipalities which share a seat on the board indicated that a period of time is needed after a municipal election to appoint their common representative.

Implications for the Review

Misalignment of term start dates is a common issue across DSSABs and in most situations these periods are anticipated and planned for, often by approving a budget either before or after the period. Addressing issues of alignment of terms start dates, alternate representation, and term limits, likely does not require fundamental changes to the governance and accountability framework but could benefit from enhanced clarity in guidelines or regulation. (see **Section 9.3.1: Clarify Board Practices, Procedures and Processes**)

6.2 Research and Jurisdictional Review Summary

A detailed environmental scan was performed at the outset of this review that included a review of the CMSM model and the Municipal Act, Boards of Health (Public Health Units) model, other national and international models and some general literature reviews that examined municipal collaboration models internationally. The findings from the initial environmental scan were limited by the difficulty in finding jurisdictional examples where municipalities were charged with the delivery of services for another level of government. Based on consultation feedback, it was recommended to also look into the Ontario School Board model for lessons.

The review team ultimately found that the most helpful models to inform recommendations related to governance and accountability were Ontario-based and were created around the same time to support local service realignment: CMSMs, School Boards and Boards of Health. Initial research was further supplemented with follow up interviews with Ontario government representatives with knowledge of the three most relevant Ontario models and findings have been organized according to the themes and findings arising from this review.

6.2.1 Apportionment

CMSM: The Municipal Act does not specify any default formula for how municipalities contribute to the costs of CMSMs. Instead each CMSM must negotiate the most appropriate formula for their service region in a cost sharing agreement. On an annual basis, where there is an upper tier municipality, they prepare a balanced budget (per S. 289 of the Municipal Act) where the upper tier identifies expenses related to the delivery of services and revenues to offset these costs. Depending on the cost sharing agreement's apportionment formula, the CMSM would build the current year's budget and then apply those cost sharing allocations for lower tier municipalities to collect through property taxes. This shows up on a property tax bill as the upper tier portion of a person's property tax but does not break down upper tier costs between CMSM costs and other municipal program costs. Like with DSSABs, current apportionment approaches vary between CMSMs. Lessons from CMSMs include:

- CMSMs, like DSSABs, can have disputes over the most fair way to apportion costs;
- Regulations under the *Ontario Works Act* (O.Reg 135/98), *Ontario Disability Support Program Act* (O.Reg 225/98), *Social Assistance Reform Act* (O.Reg 137/98), *Child Care and Early Years Act* (O. Reg. 138/15) and the *Social Services Funding Act* (O.Reg 488/97) set out rules for voluntary agreements for apportionment of costs and establish a system for arbitrating social services costs where local agreement on apportionment costs cannot be achieved through negotiation. Rules around arbitration in these regulations specifically do not apply for apportionment matters for DSSABs.
- CMSM arbitrations are governed by the *Arbitration Act* and parties can jointly agree to appoint an arbitrator or the Superior Court may make the appointment should a party make an application to the court. Arbitrator awards are binding and appeals are restricted to judicial review – in other words based on questions of law and not on questions of fact. Some service management agreements between municipalities may elaborate on a preferred dispute resolution process. In recent instances where apportionment disputes have arisen, the Office of the Provincial Land and Development Facilitator has been engaged to help the parties come to an acceptable compromise.

- Upper tier municipalities cannot directly collect taxes for social services program costs, however, they can direct each lower tier municipality to levy a separately listed “social services tax”.

School Boards: Prior to 1997, kindergarten to grade 12 education was paid for through a combination of provincial funding and funding from local property taxes. Education was funded based on mill rates set by local school boards. Since 1997, the Provincial Government developed a funding formula for education which removes the need for apportionment of costs at a local school district level. While the allocation of funding to school boards is determined provincially, school board trustees are responsible for decisions about budgets for individual schools within their district.

Boards of Health: The MOHLTC provides funding for up to 75% of Ministry approved allocations, 100% of certain programs, such as Healthy Smiles Ontario, the Infectious Disease Control Initiative, nursing initiatives and the Smoke-Free Ontario Strategy, and, 100% of services in unorganized territories (i.e., areas without municipal organizations). Like with DSSABs, the Board of Health issues a notice to member municipalities specifying the estimated contribution amount to cover expenses each year in accordance with the agreed-upon apportionment formula. Key lessons include:

- If municipalities in a Public Health Board fail to agree on apportionment of costs within the district as required in the *Health Protection and Promotion Act (HPPA)*, payment is made by a specific formula determined by dividing its population by the sum of the populations of all the obligated municipalities in the health unit;
- Section 58.1 of the HPPA permits Boards of Health to charge user fees for public health programs and services unless prohibited under the *Municipal Act*.

Implications for the Review

Approaches to apportionment differ across CMSM, School Boards and Boards of Health. School board apportionment is decided provincially using complex formulas that are transparently set out in regulations under the Education Act. The DSSAB model may draw lessons from CMSM and Board of Health models which place more onus on all participating municipalities to come to a negotiated solution to apportionment, where each uses different mechanisms when disputes arise. The DSSAB double majority formula arguably places less onus on the parties to come to a negotiated solution in districts where one or more member municipalities have a disproportionately large population/voting power.

Under every model examined, locally elected decision makers are challenged to balance their duties to their local constituents and their duties to represent regional/district-wide interests at the governing board level.

6.2.2 Board Composition

CMSM: The Regional, County or Single-Tier Council or a combination of these act as the service manager for all decisions related to CMSM services. Upper-tier councils are made up of municipal councillors from each respective local council (usually the Mayor). Some key findings include:

- There is no upper limit for the size of the upper-tier council nor is there a rotation among municipalities for direct participation on the upper-tier council;
- The *Municipal Act* establishes a population-based weighting of council votes to reflect the differences in sizes of local councils represented on the upper-tier council;
- There is no evidence to suggest that larger upper-tier councils inhibit effective decision-making;
- Weighted voting rights by population can, as with DSSABs, periodically result in concerns about the fairness of decisions.

School Boards: Unlike with DSSABs, school board membership is determined by direct election of trustees every four years in line with the municipal election cycle. Because of this, each school board is represented by a fixed number of trustees that is determined by formulas set out in the *Education Act* and O.Reg 412/00.

- Board is no smaller than 5 persons and no larger than 22 persons;
- School boards that enter into agreements with First Nations can have appointed First Nations Trustees;
- District school boards also include Student Trustees to 1 year terms, no ability to vote on motions; and,
- Number of trustees in boards is frozen to 2006 levels in areas where populations have been declining.

Boards of Health: Public Health Units are governed through Boards of Health which are composed primarily of elected municipal councillors. Composition for Boards of Health are determined by the *HPPA*.

- Section 49 of HPPA requires no fewer than three and no more than thirteen municipal members per board;
- Lieutenant Governor in Council to appoint one or more persons to a board as long as councillors represent the majority;
- There are 22 autonomous boards, 3 autonomous boards integrated within a municipal structure, 4 that are councils of single-tier municipalities, and 7 that are councils of regional (upper-tier);
- Several autonomous Boards of Health include citizen representatives appointed by municipalities; and,
- A recent expert panel reviewed the Public Health Unit model and recommended reducing the number of Boards of Health from today's 36 down to 14 in order to improve service delivery.

Implications for the Review

The review should consider alternative approaches to board composition. Upper tier municipalities and School Boards include representation from each municipality/ward at the governing decision making body which can result in some boards that are larger than governance literature suggest is ideal (few recommend greater than 12 to 15)¹³.

All models examined attempt to ensure representation and voting is weighted to reflect differences in the populations of municipalities, wards or areas being represented, and provide flexibility to allow for un-elected representation at boards, either provincially appointed (Boards of Health), appointed by councils (Boards of Health), or elected/appointed by specific groups (School Board First Nations and non-voting Student Trustees).

Additional provisions in the Municipal Act have been identified to help inform recommendations to provide greater clarity regarding roles and responsibilities, skills and qualifications, and alternate representation.

6.2.3 Transparency and Accountability

CMSM: The Municipal Act establishes the governance and accountability framework for CMSMs and they are accountable to their communities, subject to oversight of locally elected officials, and local taxpayers and residents, as local governments.

- Parts V and VI of the Act establish detailed accountability and transparency requirements for municipalities and detailed practices and procedures. This includes code of conduct, oversight by an Integrity Commissioner and Ombudsman (S. 223), practices and procedures include descriptions for the role of Council/heads of Council/Officers and Employees (S. 224, 225, 227) and requirements for public meetings (S.239);
- The Act also has some provisions to support the transparency of votes. Section 244 specifies the obligation for open voting and that “no vote shall be taken by ballot...or by any other method of secret voting, and every vote so taken is of no effect”. This section makes specific exceptions where secret voting is permitted: under Section 233 a head of council can be appointed by secret ballot and; under Section 238 a presiding officer other than the head of council can be designated by secret ballot;
- Service management agreements also set accountability and transparency requirements such as clarity on roles and responsibilities of the parties, the composition and terms of

¹³ A [study](#) by Bain Capital Private Equity suggests the optimal number of directors for decision making is seven with additional numbers reducing decision-making effectiveness. Another [study](#) by Sheila Margolis of 473 public companies between 1988 and 1999 indicated that most public companies have boards in the range of 8 to 11 members with the mean being 9.5 and the median being 9. Many governance manuals say there is no ideal size but few recommend above 15 for effective decision making purposes – not-for-profit stakeholder boards typically are largest.

reference for a Joint Service Steering Committee, election and terms for committee chair and vice chair, the decision making approach, and dispute resolution provisions; and,

- As with DSSAB board members, municipal councillors are inevitably challenged to balance their duties to their local constituents and their duties to represent the interests of the region through the CMSM. It was felt that this was inevitable and that no specific tools or guidance would be able to effectively change this dynamic. It was noted that such issues are often best managed under strong and principled leadership.

School Boards: Today, the Education Act specifies both the duty of boards (S. 169.1) and individual duties of trustees (S. 218.1) which serve to provide role clarity to trustees and the boards they serve on. Some key transparency requirements for school boards are also established in the Education Act.

- S.207 requires that meetings be: open to the public; prescribes narrow circumstances where committee meetings can be closed to the public; and requires access to books and accounts to any person at all reasonable hours;
- S.208 establishes requirements for meetings and decision-making while S.208 sets out a declaration requirement that addresses conflicts of interest;
- New requirements for boards to develop codes of conduct are currently under consideration; and,
- Ontario's school board associations, with funding from the Ministry, produced a handbook that combines both orientation information and governance best practices to assist trustees and others to effectively carry out their school board duties. Among other things, the handbook includes detailed chapters on topics such as: the education system; becoming a trustee; board governance; the role of trustees; First Nation representation; legal responsibilities and liabilities, meeting procedures; education funding; and communications.

Implications for the Review

Unlike the DSSAB Act, both the Municipal Act and Education Act provide legislative frameworks with clarity and specificity about board practices, processes and requirements to strengthen governance, accountability and public transparency in decision-making which promotes consistent approaches across the province. While the DSSAB Act is supported by interim guidelines that largely mirror requirements set out in the Municipal Act, there appear to be opportunities to strengthen these requirements within the Act or Regulations. (see **Section 9.3.1: Clarify Board Practices, Procedures and Processes**)

6.2.4 Access to Financing

Research and interviews with ministries responsible for school boards, CMSM, and boards of health did not uncover any issues faced by comparator boards regarding access to financing.

6.2.5 Term Start Dates

CMSM: The following are lessons to learn from CMSMs regarding alignment of board terms with electoral terms.

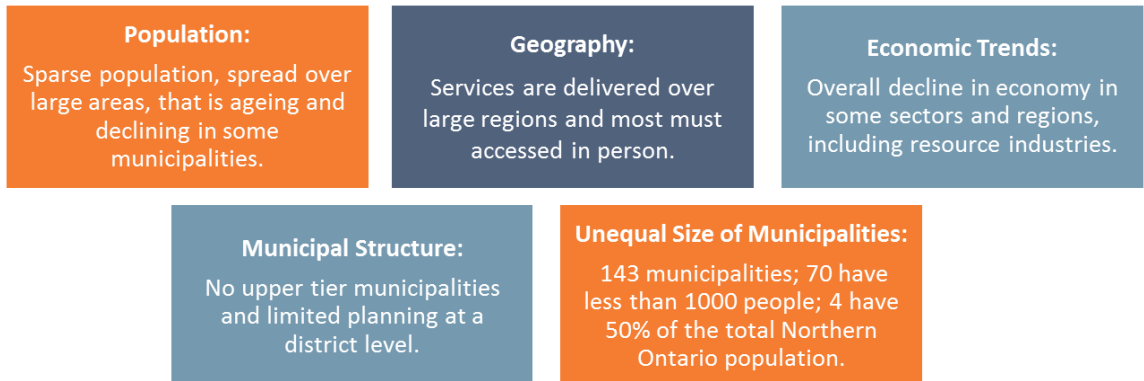
- **Length of “Lame Duck” Period:** Elections for municipal government are held every four years on the fourth Monday of October. There are two time periods during the municipal elections process when there is potential for a ‘lame duck’ council to occur. The Municipal Act Section 275 specifies the conditions under which a Municipal Council can be considered a ‘lame duck’ council and the actions that Municipal Councils are then restricted from taking during this time period.
 - **After nomination day but before voting day:** In late July the Municipal Clerk certifies the Candidates nominated for election. If less than three-quarters of the existing Council Members are not running for Municipal Council the restrictions set out in Subsection 275 (3) of the Municipal Act apply.
 - **After election day but before the new term of office begins:** In mid- to late-October shortly after the municipal election the Municipal Clerk declares the election results. If less than three quarters of the incumbent Council Members are returning to Council the restrictions set out in Subsection 275 (3) of the Municipal Act apply.
- **Restricted Acts During “Lame Duck” Period:** As per Subsection 275 (3) of the Municipal Act, if a Municipal Council is in a ‘lame duck’ position, the Council shall not take on the following actions:
 - The appointment or removal from office of any officer of the municipality;
 - The hiring or dismissal of any employee of the municipality;
 - The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
 - Making any expenditures or incurring any other liability which exceeds \$50,000.

Implications for the Review

As noted above there are two time periods during the municipal elections process when there is potential for a ‘lame duck’ council to occur. With DSSABs, there is further delay in the period between election and appointment to a DSSAB since councils must decide on what member will be the board representative. The Municipal Act provides clear rules on what council decisions cannot be made between an election and the sitting of a new council. These rules are reflected in DSSAB interim guidelines and could be strengthened in the Act or Regulations. (see **Section 9.3.1: Clarify Board Practices, Procedures and Processes**)

6.3 Characteristics of the North

There are several underlying characteristics of Northern Ontario that contribute to the issues that have been identified with respect to DSSABs (see Appendix 1 for additional detail).



Population: The population of Northern Ontario is sparse and spread out over a large area. This population is aging and not growing at a significant rate. Between 2011 and 2016, the population of Northern Ontario increased by 0.6%, from 775,178 in 2011 to 780,140 in 2016. Within this overall change, however, the rate of growth varies significantly with half of districts declining in population, and one district (Kenora) experiencing double digit growth.

Geography: The total area of Northern Ontario that is served by the DSSABs covers in excess of 800,000 square kilometres. Each of the ten districts is large, ranging in area from 141,770 square kilometres in Cochrane District to 223 square kilometres in Sault Ste. Marie. Services must be delivered over a wide area which is seen to increase cost of service delivery.

Economic Trends: Northern Ontario is more highly reliant on resource-based industries than other parts of the province. As a result, the regional economy is more vulnerable to boom and bust cycles associated with these industries. The challenges related to service delivery and cost of service delivery arising from the vast geography and sparse and dispersed population are compounded by recent economic trends in Northern Ontario. With the exception of Timmins, marginal economic growth is forecast for the economies of the major cities.

Municipal Structure: In Northern Ontario there are no upper tier municipalities. As a result, the approach to service delivery that is used in Southern Ontario is not fully applicable in Northern Ontario. Sudbury was constituted as a single tier municipality CMSM (as are some municipalities

¹⁴ All financial data was provided by the DSSABs and validated with DSSAB Chief Administrative Officers in advance of sessions.

in Southern Ontario). While there are some other larger municipalities in Northern Ontario where this model might apply, for much of Northern Ontario the CMSM model is not possible because there are many small municipalities but no upper tier municipalities which bring them together.

Further, large geographic areas in the North are territories without municipal organization. Lack of formal municipal structure poses its own unique challenges associated with service delivery and DSSABs.

Unequal Size of Municipalities: There are 143 municipalities in Northern Ontario and the populations of these municipalities varies widely with 70 municipalities and unorganized territories under 1,000 people and 7 municipalities and unorganized territories greater than 10,000 in population.

Implications for the Review


The sparse population and large geography raises the cost of service delivery. Economic downturn may result in lowered tax revenues, which in turn has an impact on the ability of municipalities to pay their DSSAB levies and/or deliver services equitably. The unequal size of municipalities may result in larger municipalities paying a significant portion of DSSAB costs in the district and/or result in a representation model where one municipality has a disproportionate influence on decision-making.

DSSAB Governance and Accountability Review:

Part B

Analysis, Options and Recommendations

7 Analytical Framework

 Section: Analytical Framework	Section Description	In this section, the analysis framework is presented along with the core questions and problems.
	Sub-Sections	<ol style="list-style-type: none"> 1. Need for Change and Core Issues 2. Detailed Topic Areas for Consideration 3. Evaluation Framework

7.1 Need for Change and Core Issues

7.1.1 Need for Change

The consultation process revealed that the current DSSAB framework is working well in many DSSABs and, in fact, some consultations raised concerns that the review might create issues for, or destabilize, DSSABs which are currently functioning effectively. Other DSSABs are experiencing challenges with respect to governance and accountability to a greater or lesser degree.

As options and recommendations for the future are considered, it is important to maintain a balance between continuing with those aspects of the current model that are working well in many DSSABs while identifying changes that could significantly reduce the challenges being experienced in other DSSABs.

In all DSSABs, there was a concern that the role of DSSABs, and how they function, is poorly understood by the public, municipalities and municipal councillors, as well as by some DSSAB board members (particularly those that are new to their role). Furthermore, processes followed by DSSAB boards vary considerably from DSSAB to DSSAB, stemming from a lack of clarity or specificity on several key issues in the DSSAB Act and regulations and variable adherence to the Interim DSSAB Governance and Accountability Guidelines.

More fundamentally, some DSSABs are experiencing significant stress regarding apportionment and the related issue of board composition. As discussed below, issues related to apportionment and board composition tend to create inability or unwillingness to work within the principle of collective responsibility.

The expectation as the review began was that most of the issues to be addressed by the review could be significantly improved within the current DSSAB framework. All of the recommendations in the report can be accomplished within the current DSSAB framework and will address many of the issues identified in the consultation.

7.1.2 Core Questions

To analyze the issues described above and operationalize the need for change into actionable next steps for the province, the review team identified the central question, or problem to be solved through this review, namely, *“How can governance and accountability issues identified through the course of this review be addressed in a way that best supports equitable and sustainable social services delivery in Northern Ontario?”*

In developing a structured response to this central problem, three additional sub-questions also need to be addressed:

1. How can apportionment of the municipal share of costs support equitable delivery of services balanced against municipal ability/willingness to pay?
2. How can board composition best reflect municipal interests while allowing for other skills/voices to be included?
3. With respect to effective board functioning, what should be provincially mandated to promote consistency versus what should be left to local discretion? Is consistency with CMSMs in southern Ontario desirable, and if so, how can consistency with the CSM approach be achieved?

7.2 Detailed Topic Areas for Consideration

7.2.1 Original Topic Areas

The consultation process, written submission and initial research was guided by five topic areas which were developed based on issues raised with province over recent years and endorsed by NOSDA, FONOM and NOMA:

1. **Apportionment:** To identify potential improvements or changes to the prescribed cost apportionment formula and process for establishing an alternative formula with a view to supporting and sustaining equitable access to social services in all communities.
2. **Board Composition:** To identify approaches to board composition which result in fair representation, especially helping to balance the perspectives and differences between municipalities’ (e.g., large versus small) input into decision-making, and ensure boards are well-positioned to address the collective needs of all residents in the District.
3. **Transparency and Accountability:** To identify effective approaches to foster timely and transparent communication and other accountability approaches between parties that promotes effective governance and accountability.
4. **Term Start Dates:** To identify approaches to term start dates and developing suggestions regarding opportunities and/or processes that will address the impact of misaligned term start dates between board members and municipal councillors.

5. **Access to Financing:** To review DSSAB access to financing and find ways to develop a shared understanding among DSSABs, municipalities and lenders.

7.2.2 Additional Questions

These five original topic areas provided an excellent starting point for discussion and research, but it was recognized that additional issues could emerge during the course of the consultations or from the research undertaken by the review team. This, in fact, was the case. The issue of term start dates was expanded in many consultation locations to include a discussion of maximum and minimum term lengths and length of term for the chair. Two other issues arose repeatedly during the consultations, for exploration. They were:

1. **Unequal distribution of representation and cost (large vs. small municipalities):** In DSSABs where there is a large municipality and a number of small ones there is an imbalance in board composition and size of DSSAB levies.
2. **Oversight of DSSABs:** The possibility of transferring oversight of DSSABs to the Ministry of Municipal Affairs was raised in several consultations, as was the issue of streamlining program requirements and potentially consolidating legislation related to DSSABs.

The analysis and recommendations in this report will address all of these seven issues.

7.2.3 Issue Groupings

Upon further analysis, these seven topic areas can be divided into three groupings of issues for discussion.

The first group is issues that directly **impact collective responsibility**. Collective responsibility for effective and equitable delivery of social services at a district level is a fundamental feature of the current DSSAB framework. Of the seven questions/issues to be discussed, three are related to collective responsibility for social services. These are:

1. Apportionment;
2. Board composition;
3. Unequal representation and cost (large vs. small municipalities); and,

These issues are closely linked to one another. Collective responsibility is achieved when:

- There is a reasonable correlation between service received and amount paid because services are distributed on a relatively equal basis across a district;
- The apportionment formula is seen to be fair and reflects ability to pay;
- The amount of the levy from the DSSAB to municipalities is affordable; and,
- The board composition is such that no one municipality can dominate decision-making.

Conversely, collective responsibility may not be achieved when:

- There is an imbalance between the amount paid for DSSAB services and services used;
- The apportionment formula is not considered fair, or does not reflect ability to pay;
- The amount of the DSSAB levy is considered unaffordable; and,
- There is an imbalance of representation on the Board so that one municipality can dominate decision making.

In these circumstances there may be a breakdown in how a board interprets and approaches collective responsibility – the source of conflict in some DSSABs. In effect, a “tipping point” is reached where ongoing adherence to the principle of collective responsibility becomes untenable for one or more municipalities in a district.

A set of recommendations has been developed related to these three issues of apportionment, board composition and unequally distributed representation and cost. The recommendations are designed to reinforce the factors which support collective responsibility while mitigating those that create challenges to collective responsibility.

These recommendations can be considered independently of one another. However, if these recommendations are considered together, they will have a greater impact on supporting and enhancing collective responsibility. These issues are discussed in detail in **Section 8: Recommendations to Enhance Collective Responsibility** of the report.

The second group of issues relate to **transparency and accountability**. These issues relate largely to how well the operations and decision-making processes of the DSSABs are understood by municipalities and the public and how the DSSAB board functions to ensure accountability. The issues which fall in to this grouping are:

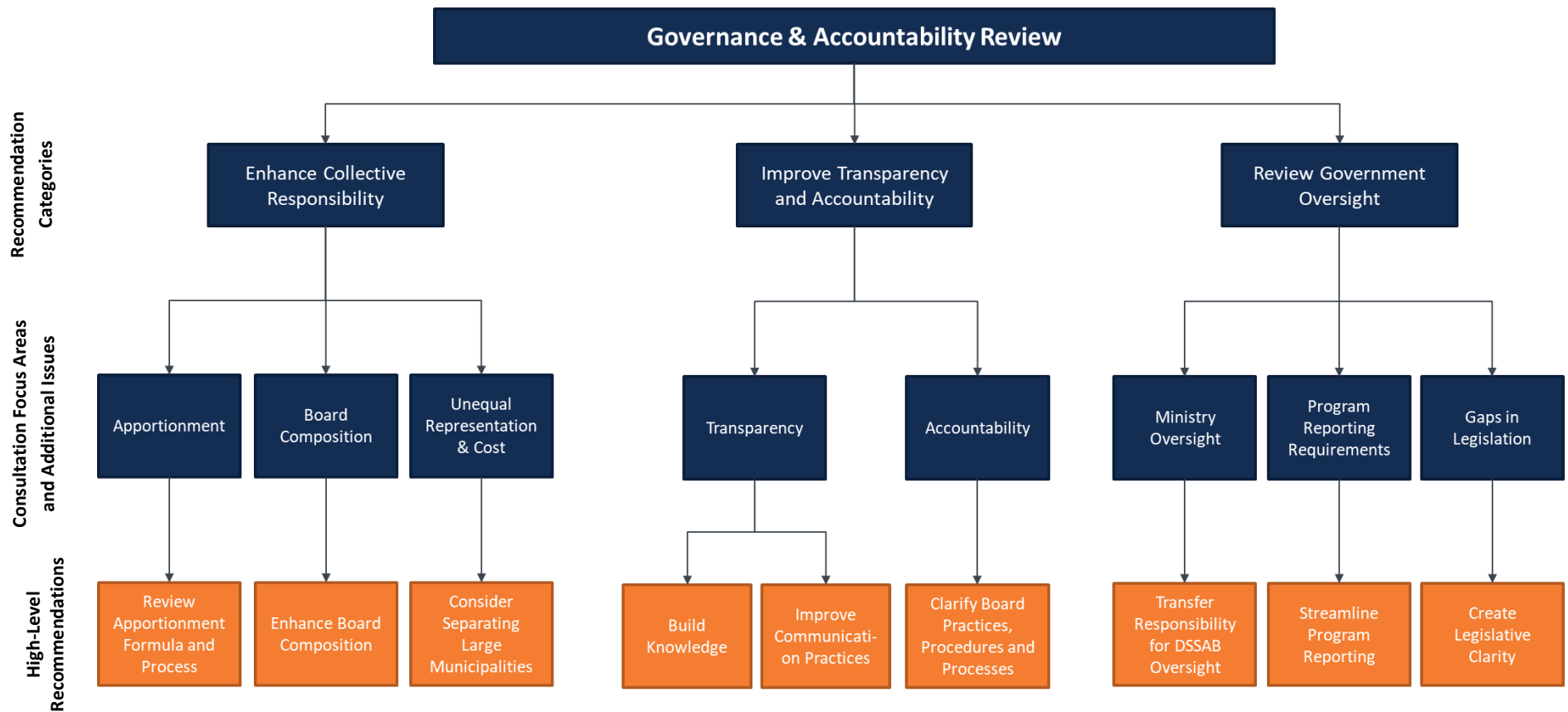
1. Accountability; and
2. Transparency

These issues were identified in all districts to a greater or lesser degree. To address these issues, a set of recommendations is provided to enhance communication and information sharing to build knowledge and which clarify governance policies, practices and procedures to enhance the overall accountability of the DSSABs. These issues are discussed in **Section 9: Recommendations to Improve Transparency and Accountability** of the report.

Finally, the issue of **government oversight** of DSSABs arose in the consultations. This issue addresses whether government oversight of the DSSABs should be transferred from MCSS to another ministry. In addition, the issue of streamlining and coordinating program reporting requirements arose, as did concern about fragmentation of legislation related to DSSABs. **Section 10: Recommendations to Review Government Oversight** of the report includes options and recommendations to address these oversight issues.

7.2.4 Overall Analytical Framework

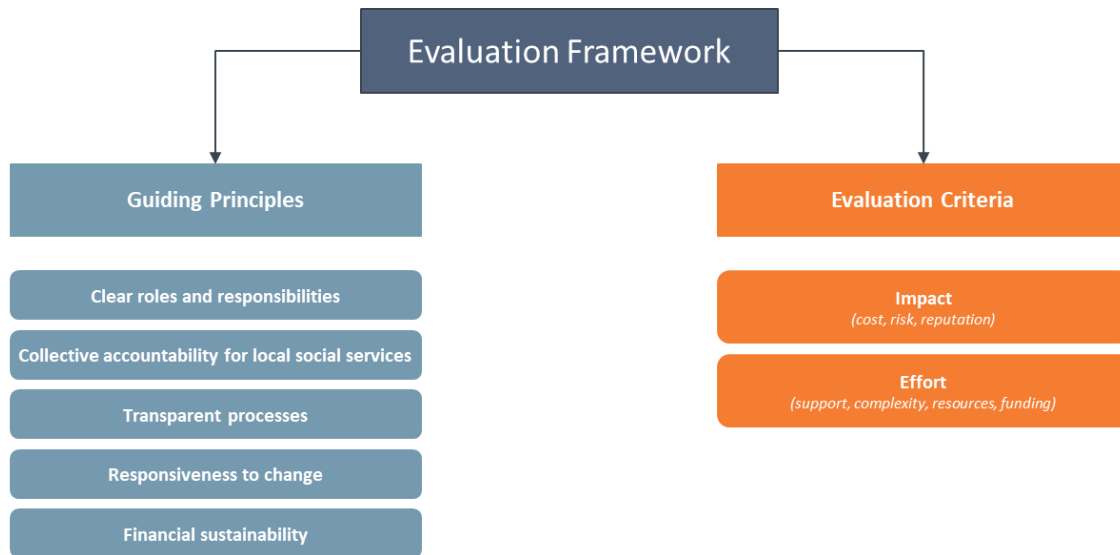
Based on this analysis of the issues to be addressed and the three major groupings of issues, the following framework has been used to identify and analyze options and guide the development of recommendations.



7.2.5 Evaluation Framework

Evaluation Overview

The evaluation of options being explored will have two components: guiding principles and implementation considerations as shown in the diagram below:



Guiding Principles

From the outset of the project, a set of principles were identified to guide analysis of the options that are being considered. These principles were developed by the province and endorsed by NOSDA, FONOM and NOMA, and were presented during the consultations as the principles against which options being considered would be evaluated.

Clear roles and responsibilities	•The roles and responsibilities of all parties in the accountability relationship are clear, straightforward, well understood and accepted by all.
Collective accountability for local social services	•As a collective, the board is responsible for the delivery of Ontario Works, child care, housing services and/or emergency land ambulance that meets the local needs of all constituents within the district.
Transparent Processes	•There is a transparent mechanism in place for articulating the social service needs of residents and DSSAB decisions, and decision making and conflict resolution processes are clear.
Responsiveness to change	•The governance structure is agile to the changing needs, circumstances and varying capacities of municipalities and the Province.
Financial sustainability	•DSSAB governance and planning promotes the viability of social services and cost effectiveness in consideration of the unique characteristics Northern Ontario.


Implementation Considerations:

The second aspect of the evaluation framework looks at implementation considerations. These include the likely impact of the proposed recommendations and well as consideration of effort and resources required to implement the recommendation.

Impact considerations include an assessment of the extent to which the recommendation will address the issue under consideration and what the likely support or lack of support for the approach will be.

Effort considerations will include consideration of time and resources needed to implement the recommendation.

8 Recommendations to Enhance Collective Responsibility

 <p>Section: Recommendations to Enhance Collective Responsibility</p>	<p>Section Description</p>	<p>In this section, the options and recommendations related to enhancing collective responsibility are developed.</p>
	<p>Sub-Sections</p>	<ol style="list-style-type: none"> 1. Overview of Enhance Collective Responsibility 2. Review Apportionment Formula and Process 3. Enhance Board Composition 4. Consider Separating Large Municipalities 5. Evaluation of Measures to Enhance Collective Responsibility

8.1 Overview of Enhance Collective Responsibility



One of the key principles upon which DSSABs are founded is collective accountability for delivery of social services to meet the needs of all residents in a district. As noted in **7.2.3: Issue Groupings**, differing views about collective responsibility to share social services costs can occur when one or more municipality perceives that:

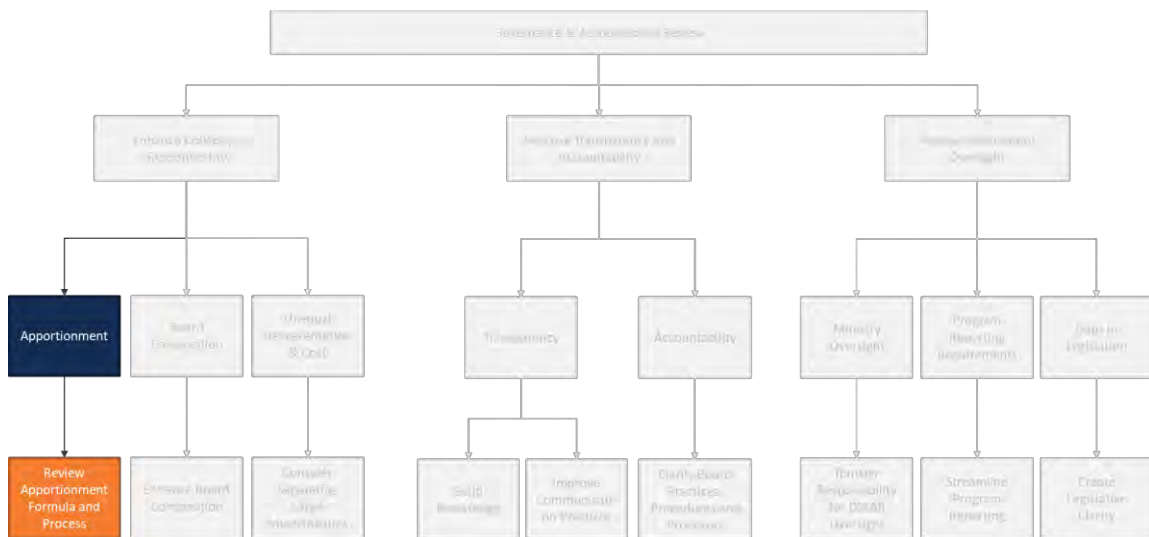
- There is an imbalance between the amount paid for DSSAB services and services used;
- The apportionment formula is not fair, or does not reflect ability to pay;
- The amount of the DSSAB levy is unaffordable; and,

- There is an imbalance of representation on the Board so that one municipality can dominate decision making.

This section of the report analyzes options and makes recommendations that are designed to address these issues so that collective responsibility can be supported or enhanced. This section of the report includes options, analysis and recommendations on:

1. Reviewing apportionment formula and process;
2. Enhancing board composition;
3. Separating large municipalities.

8.2 Review Apportionment Formula and Process



Overall effectiveness of the DSSAB model, including support of the principle of collective responsibility, is dependent on an approach to apportionment which is considered fair to all municipalities. There are two sub-issues to be addressed with respect to considering apportionment of the DSSAB costs among municipalities:

1. Reviewing the default apportionment formula; and,
2. Adapting the process for changing the apportionment formula.

An analysis of options to address each of these issues follows.

8.2.1 Apportionment Formula

Issue Summary

A default apportionment formula is provided in the DSSAB regulation, with an option for DSSABs to change the formula through a double majority voting process. However, there are issues

related to whether the default formula adequately reflects “ability to pay” and also related to the decision-making process for changing the apportionment formula. Board composition, in absence of a functioning formal dispute resolution process, and other factors, have resulted in various scenarios in which the apportionment formulas in use are not considered by some stakeholders to be fair.

Options for Change

Based on consultation discussions, research and lessons from comparator models, two options for change to the apportionment model were developed:

1. **A single apportionment model** becomes mandated for all DSSABs through regulation, with no flexibility for local change unless directed by the provincial government;
2. **A default formula** (status quo) is provided in regulation and local DSSAB Boards have the ability to change it through a formal process. Within the option of a default formula there are two sub-options:
 - i. Retain the current default formula; or
 - ii. Develop a new default formula.

Considerations:

The current approach to apportionment was seen to be working well for most of the DSSABs consulted. As described in **Section 6.2.1: Apportionment**, most DSSABs have used the current default apportionment model which is based on weighted property assessment as a starting point. Some continue to use the default formula, while most have successfully implemented changes to the default apportionment formula to meet their local circumstances, for example, to include other sources of revenue (PILs, Power Dams). From the beginning, Timiskaming has used an apportionment formula that differentiates between social service programs and which takes in to account several factors such as adjusted Current Value Assessment, per capita costs, population, and caseloads.

In a few DSSABs, the use of the default formula or variations of it has created significant issues related to ability or willingness to pay for DSSAB services. More recently, some DSSABs have explored the possibility of tying apportionment more directly to service usage than is currently the practice today.

Review Team’s Assessment

1. **A single apportionment model:** Most participants in consultations did not favour a single apportionment formula as they prefer to have the option to change the formula to reflect local circumstances. Many DSSABs have successfully changed their default formula to reflect local circumstances using the double majority for decision-making. A single prescribed default would remove this ability to respond to local circumstances. However, the ability to change the default formula also opens the possibility for members within a district to move away

from ability to pay as the foundation of the apportionment formula and consequently to move away from the principle of collective responsibility. A prescribed formula would remove this possibility.

2. **A default formula with ability to change:** Providing a default formula (with the option to change it) in regulation reflects the status quo. The current default formula is based on ability to pay which reflects the principle of collective responsibility for delivery of social services to all residents in a district. In the opinion of the review team, ability to pay should remain the foundation of the default formula to support the original principles underlying the DSSABs.

Evaluation: Prescribed vs. Default Formula with ability to change

	Pros	Cons
Prescribed	<ul style="list-style-type: none"> ▪ Embeds collective responsibility in the default formula ▪ Eliminates the need for DSSABs to consider, analyze, and go through a decision-making process to change apportionment formula ▪ Could reduce conflict related to changing a default formula 	<ul style="list-style-type: none"> ▪ Does not provide individual DSSABs the ability to change the formula to reflect local needs or changes in the local economy, population or other external factors ▪ Could be unnecessarily disruptive, particularly in those DSSABs which have arrived at a workable apportionment formula but would have to change to the prescribed formula ▪ Does not reflect the general consultation input
Default with ability to change	<ul style="list-style-type: none"> ▪ Provides flexibility to local DSSABs to respond to local needs ▪ Reflects current approach—will not create opposition to change 	<ul style="list-style-type: none"> ▪ The ability to change the formula opens the door to moving away from ability to pay as the foundation for apportionment ▪ The process of changing a default formula can cause conflict within a district and undermine collaborative relationships

Evaluation against Principles

Option	Evaluation
Prescribed	<ul style="list-style-type: none"> ▪ This option supports the principle of collective responsibility by embedding ability to pay into an apportionment formula to be used by all DSSABS ▪ The option does not support the principle of responsiveness to change as it does not allow any flexibility to respond to changing circumstances ▪ This approach may not contribute to financial sustainability if changing circumstances affect the ability to pay for municipalities within a DSSAB but there is no mechanism to adjust the payment levels; some municipalities may be unable to continue to meet their obligations to the DSSAB
Default with ability to change	<ul style="list-style-type: none"> ▪ This option supports the principle of collective responsibility in that the default formula is based on ability to pay ▪ However, the option to change the default formula can open the door to moving away from a formula based on ability to pay which can undermine the principle of collective responsibility ▪ The option to change the default formula supports responsiveness to change because DSSABs can change the formula to reflect changes in their districts ▪ The ability to change the formula in response to changes in the environment may promote financial sustainability. ▪ Large municipalities may continue to be able to sway the vote

Evaluation of Implementation Considerations

Option	Evaluation
Prescribed	<p>Impact</p> <ul style="list-style-type: none"> ▪ Moving to a prescribed formula may not be supported by the DSSABs and northern municipalities. Input from consultations was largely opposed to a prescribed formula. ▪ While disputes related to changing the apportionment formula may be avoided, difference among municipalities will still exist if there is a perception that the amount that they are paying is not fair or does not reasonably reflect the services being used. The focus of these disagreements may move away from apportionment but will be reflected in other debates, for example, around level of service to be provided. <p>Effort</p> <ul style="list-style-type: none"> ▪ Moving to a prescribed formula will require a change in regulation. ▪ Consultation and policy analysis on whether the current default formula should be the prescribed formula or whether the prescribed formula should be a different one could be significant.

Option	Evaluation
	<ul style="list-style-type: none"> ▪ Most DSSABs would likely have to change the apportionment formula from the one they are currently using to the prescribed formula. This would be a significant change effort at the DSSAB level and could result in disruption at the DSSABs and potentially for municipalities if the result is a significant change in the amount of the DSSAB levy.
<p>Default with ability to change</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ Likely to be supported by most DSSABs and member municipalities based on consultation input. ▪ Retains ability to respond to local needs. <p>Effort</p> <ul style="list-style-type: none"> ▪ No significant changes required, implementation effort is low

On balance, this evaluation suggests that retention of a default apportionment formula with an option to change largely supports the evaluation principles and raises few implementation concerns. However, the evaluation does note that the option to change the apportionment formula does open the door to moving away from ability to pay as the foundation of the apportionment formula. This could be addressed by a guideline which indicates clearly that a fair and defensible reflection of ability to pay should be the primary foundation of any revised apportionment formula.

Current default formula vs. a new default formula

The current default formula is based on ability to pay, with weighted property assessment serving as a proxy for ability to pay. As noted, the current default formula has proven to be a workable starting point for municipalities. Most have successfully used the default formula as a starting point for their current apportionment formulas. However, some consultation participants articulated a perception that weighted property assessment alone is not a good proxy for ability to pay and that other factors should be taken into account in the apportionment formula.

Many participants in the consultation suggested that inclusion of additional factors could result in an apportionment formula that better reflects ability to pay. These other factors could include such things as population, per capita costs, median household income, employment rate, ratio of working age to dependent population or percent of population above the low income threshold. The impact of these factors on apportionment and whether they would provide a better proxy for ability to pay would have to be fully analyzed, including whether appropriate data is available and whether the outcome better reflects an ability to pay. Completing the detailed work required to design a new default formula is beyond scope for this review.

Another concern with the current formula is that it does not include any reflection of use of service. A new default formula could include a level of service factor while retaining the overall foundation of ability to pay.

Evaluation: Current default formula vs. New default formula

Advantages and Disadvantages of Each Option

	Pros	Cons
Current default formula	<ul style="list-style-type: none"> ▪ The current formula is based on a foundation of ability to pay ▪ Current formula is known and understood by DSSABS ▪ Data for the current formula is readily available and calculation of the apportionment to municipalities is relatively straightforward ▪ The current formula has provided a starting point to adapt it to local needs 	<ul style="list-style-type: none"> ▪ Weighted assessment alone is not perceived by some to be a good proxy for ability to pay ▪ The current formula does not recognize level of service use at all
New default formula	<ul style="list-style-type: none"> ▪ A new default formula could include a range of factors that may reflect ability to pay ▪ It would be possible to include a component to recognize level of service usage, with the proviso that ability to pay continues to be dominant 	<ul style="list-style-type: none"> ▪ A default formula with multiple factors could be more complex and difficult to implement ▪ Data to support additional factors may not be readily available ▪ A new default formula could cause disruption in DSSABs where the current formula or a variation of it is working effectively

Evaluation against Principles

Option	Evaluation
Current default formula	<ul style="list-style-type: none"> ▪ The current default formula supports collective responsibility because it is based on ability to pay. However, it is not considered to be a good proxy for ability to pay by some ▪ The current formula is responsive to change, allowing flexibility to respond to evolving circumstances ▪ For many DSSABs the current formula is seen as fair and results in affordable levies for municipalities, thus contributing to financial sustainability. However, the current formula may have some limitations with respect to financial sustainability because it does not take a range of factors into consideration and is not considered to be reflective of ability to pay by some
New default formula	<ul style="list-style-type: none"> ▪ A new default formula could continue to support collective responsibility as it would continue to be based on ability to pay ▪ Adding a factor related to service use could also contribute to financial sustainability as it would increase perception of fairness for some ▪ Ability to change the new formula would continue to provide responsiveness to change ▪ A formula which is considered by some to be more reflective of ability to pay could support financial sustainability by enhancing a perception of fairness among municipalities

Evaluation of Implementation Considerations

Option	Evaluation
Current default formula	<p>Impact</p> <ul style="list-style-type: none"> ▪ There would be no disruption for DSSABs which currently have an apportionment formula that is working ▪ Retaining the default formula would likely be supported by most DSSABs and municipalities because it has served as a good starting point for the development of local apportionment formulae ▪ Retention of the current default formula would not address concerns related to whether the current formula adequately reflects ability to pay or incorporates level of service usage <p>Effort</p> <ul style="list-style-type: none"> ▪ Retaining the current default formula requires no implementation effort ▪ Development of guidance material would require analysis and consultation, but would not be as significant as developing a new default formula
New default formula	<p>Impact</p> <ul style="list-style-type: none"> ▪ A new default formula could address some of the concerns articulated about the limitations of the existing default formula

Option	Evaluation
	<ul style="list-style-type: none"> ▪ However, introducing a new default formula could cause disruption in DSSABs where the current formula or a variation of it is working ▪ A new default formula may not be supported by some depending on the impact on individual municipalities <p>Effort</p> <ul style="list-style-type: none"> ▪ Developing a new default would require considerable data gathering, analysis and consultation ▪ A change in regulation would be required ▪ Effort could also be high at the individual DSSAB level to review the new formula, analyze its impact at the local level, and determine if they want to move from their existing formula to the new one or some variation of it.

On balance, the evaluation suggests that retaining the current default formula meets the needs of many DSSABs and involves a very limited implementation effort.

In order to address concerns related to the current default formula, the province could provide guidance material for use by DSSABs who want to consider changing their apportionment formula to reflect a wider range of factors. Guidance material could emphasize that ability to pay should be the basis for an apportionment formula, but provide some options on additional factors that could be considered in determining ability to pay.

In addition, there may be circumstances where access to and/or use of services varies significantly within the DSSAB. Guidance material could suggest ways that use of service could be incorporated into an apportionment formula while retaining ability to pay as the primary driver of the formula.

Development of guidance material would require analysis and consultation, but would not be as significant as developing a new default formula. This guidance material would provide options for DSSABs to consider if they want to change the apportionment formula.

Recommendations

To reflect that the current default formula (or a variation of it) has met the needs of most DSSABs it is recommended that:

1. There continues to be a default formula in regulation that is based primarily on ability to pay to embed the principle of collective responsibility in the apportionment of the municipal portion of DSSAB costs.
2. The current default formula be retained.
3. Continue to allow individual DSSABs to change their apportionment formula from the default formula.
4. Guidance material be developed which provides input for DSSABs considering a change to the default formula. The guidance could include factors that may result in a better proxy for ability to pay and guidance on how a factor related to differential level of service use could be incorporated while retaining a foundation of ability to pay for the formula.

Summary of Rationale for Recommendations

To support and enhance collective responsibility, it is necessary that board members and the municipalities they represent feel that the system is fundamentally fair and transparent. Apportionment must be perceived as fair, that is, levies are based on ability to pay, along with a sense that the cost of services is reasonably related to services received.

The recommendations on the apportionment formula will contribute to a sense of fairness and enhance collective responsibility by:

- Maintaining an apportionment formula based on ability to pay;
- Providing guidance on additional factors that could be considered if a DSSAB wanted to develop a formula that provides a better proxy for ability to pay than using weighted assessment alone; and,
- Providing guidance on allowing for some consideration of use of service to be factored in to the apportionment formula while retaining ability to pay as the foundation of the formula.

The recommendations provide balance between supporting those DSSABs where apportionment is working well and providing guidance to other DSSABs which may want to consider incorporating additional factors into their formula. While developing the recommended guidance material would require implementation effort, this could be done over a period of time and does not require regulatory change.

8.2.2 Changing the Apportionment Formula

Issue Summary

There was widespread support for retaining the ability to change the apportionment formula for DSSABs. The existing process for changing the apportionment formula is double majority as described in the DSSAB Regulation. While this approach has been used successfully in several DSSABs to change the apportionment model, it does not always result in an approach that is acceptable to all participating municipalities.

Concern has also been raised that TWOMO board members participate as voting members in board discussions about changing the apportionment formula yet they do not have any direct financial obligations because the province pays 100% of the actual TWOMO portion of the DSSAB costs. As result, it has been suggested that TWOMOs should be excluded from voting on board decisions related to apportionment. This issue is discussed below as well.

Options for Change

Based on research and input from the consultations, options for addressing concerns about decision-making related to changing the apportionment formula include the following:

1. **Retain the existing double majority process**
2. **Adapt the existing double majority process to better support collective responsibility**
 - I Set limits to the amount of impact on any one municipality
 - II Require an independent third party analysis of the impacts of change
 - III Add a formal dispute resolution process to provide an avenue of appeal for municipalities
3. **Reconsider role of TWOMOs in decisions related to apportionment**

Considerations

Many stakeholders consulted through this process expressed support for the existing decision-making process for changing the apportionment formula. Others expressed concern that the existing process can result in a change that provides advantages or disadvantages to individual municipalities and/or creates unwillingness or inability for some municipalities to pay the revised levy. Concerns were also heard that the double majority requirement can create challenges for smaller municipalities to initiate changes is apportionment.

Currently, no formal dispute resolution mechanisms are in place for DSSABs, and the double majority approach to changing an apportionment formula is considered by many to be the *de facto* dispute resolution mechanism. Many in the consultations felt that a dispute resolution process would take decision-making out of their own hands and that decisions in a dispute resolution process might not reflect the realities of Northern Ontario. However, some DSSABs have had more conflict than others for diverse reasons and these conflicts may not be resolved

through the double majority process. In some cases, ministry staff or third party mediators have become involved to support the process. These processes have not been binding and have not served to resolve the disputes.

A proper and effective dispute resolution mechanism may be necessary to reach a conclusion to disputes. In Southern Ontario, there is a formal dispute resolution process in place that can be used if municipalities are not able to reach consensus on how costs should be shared. Double majority is not used in Southern Ontario. It has been argued that the existence of a binding dispute resolution process provides an incentive for municipalities to reach agreement so that the decision is not taken out of their hands.

Review Team's Assessment

1. **Retain the existing process:** Many participants in the consultation felt that the current double majority, as is, provides an adequate basis for changing the apportionment formula. The requirement for a double majority means that the apportionment model reflects the agreement of a majority of municipalities *as well as* a majority of the electors in the district. However, the current double majority process can result in significant change for some municipalities such that they are unable or unwilling to pay the revised levy. In addition where there are large municipalities, they may have a significant advantage in controlling the outcome of the double majority process. Therefore, it is not recommended that the double majority alone remain the way that the apportionment formula is changed.
2. **Adapt the existing process:** To address the potential impacts of the double majority, some additional parameters could be added to the current double majority approach. These include:
 - Set limits to the amount of impact on any one municipality that can result from a change in the apportionment model at a threshold percentage (to be determined), combined with setting limits on the frequency of changing the formula;
 - Require an independent third party analysis of the impacts of change to the apportionment formula if the change for any municipality is likely going to exceed a threshold percentage (to be determined), or if requested by any municipality. The third party analysis should also consider whether the proposed new apportionment formula is sound and fair to all municipalities;
 - Add a formal binding dispute resolution process to provide an avenue of appeal for municipalities who do not accept the result of the double majority process.

Limiting the impact of change in the apportionment formula on any municipality would reduce the chances that a municipality would be unwilling or unable to pay the revised levy. If limits on the amount of change are combined with limits on the frequency allowed for changes to the formula can happen, this would mean that any increases would happen over time so that municipalities could adapt to changes in their levies.

An independent, third party analysis of the impact of a change to the apportionment formula would remove any issues/concerns that the analysis of the impact of a change in the apportionment formula is incomplete or biased. This would allow municipalities to make decisions with respect to changes with confidence that the impacts are clear and reliable.

Adding a formal dispute resolution mechanism to the process would provide an avenue to definitively resolve an issue if it cannot be resolved through the double majority process. Experience to date suggests that, in most cases, the double majority process is adequate to get resolution on an issue. In CMSMs, the process is that the municipalities are expected to reach consensus and only if that is not the case, then they go to a formal dispute resolution process. The CMSMs differ from DSSABs in that they are part of a municipal structure (either upper tier municipalities or single tier municipalities) where service manager decision-making is part of the overall municipal decision-making process. In Northern Ontario, DSSABs function outside of a municipal structure. The double majority is a means by which the wishes of multiple municipalities can be determined and replaces the consensus making process in CMSMs with a more focused process.

Since this has worked well for the most part, it is suggested that the double majority be continued. The formal dispute resolution process would be used only when a municipality is unwilling to accept the decision of the double majority. It is not expected that this would happen frequently, but it would provide a means to definitively resolve disputes that cannot be resolved through the double majority process. The exact nature of the dispute resolution mechanism would require further policy consideration and consultation. The dispute resolution mechanism should incorporate knowledge of Northern Ontario so that the particular issues of Northern Ontario are factored in to the decisions. It could include mediation and escalation to binding arbitration. Consideration of how the dispute resolution mechanism should function would include development of a terms of reference for the process that would address issues such as what kind of disputes would be considered, who can initiate the process, who can make representation during the process, rules of procedure, and whether there are any further avenues of appeal.

Evaluation: Adapt the existing double majority process

Advantages and Disadvantages of Each Option

	Pros	Cons
Limits on change	<ul style="list-style-type: none"> ▪ This would mean that the degree of change in the financial commitment of municipalities would be more manageable, at least in the short term. ▪ Could reduce the chances that a municipality would be unwilling or unable to pay the revised levy. 	<ul style="list-style-type: none"> ▪ Might not resolve underlying issues. ▪ Sequential changes in the funding formula could result in significant changes in level of funding over time for a municipality.

	Pros	Cons
		<ul style="list-style-type: none"> Would add another complexity to determining an apportionment formula.
Third party review	<ul style="list-style-type: none"> Would provide a clear understanding of the impact of a change in apportionment formula. Would remove a perception that analysis on the impact of a new funding model is biased or inaccurate. Could result in fewer disputes. 	<ul style="list-style-type: none"> There is cost associated with a third-party review. Could extend the time required for decision on apportionment decisions because of time required for procurement of a third party and to conduct the review.
Dispute Resolution	<ul style="list-style-type: none"> Retention of the double majority provides an ongoing means to determine the wishes of multiple municipalities. The dispute resolution mechanism would provide an avenue for definitively resolving disputes that cannot be resolved through the double majority process. Existence of an external dispute resolution mechanism outside of the control of the DSSAB and municipalities involved could provide an incentive to reach agreement on how to move forward so that the decision is not removed from the hands of those affected by it. 	<ul style="list-style-type: none"> If the dispute resolution process is invoked, it takes decision-making out of the hands of those affected. Some board members and municipal participants indicated that it would be difficult to find an arbitrator who understands the complexities of the Northern Ontario.

Evaluation against Principles

Option	Evaluation
Limits on change	<ul style="list-style-type: none"> Limits on the impact of a change to the apportionment formula could support collective responsibility because changes would be less likely to create a situation where a municipality is unwilling or unable to pay its levy. This in turn would contribute to financial sustainability.
Third party review	<ul style="list-style-type: none"> Contributes to transparency about the impact of changes to the apportionment formula, which would mitigate concerns that analysis of the impact of a change is biased or inaccurate.
Dispute Resolution	<ul style="list-style-type: none"> Creates a definitive decision to enable DSSABs to continue with their work, thus contributing to collective accountability.

Option	Evaluation
	<ul style="list-style-type: none"> ▪ Contributes to financial sustainability by providing a clear and final decision on apportionment.

Evaluation of Implementation Considerations

Option	Evaluation
Limits on change	<p>Impact</p> <ul style="list-style-type: none"> ▪ Possible reduced stalemates on apportionment. ▪ Creates added complexity to the development of an apportionment formula, while not necessarily addressing underlying issues. ▪ May not be supported as this puts an additional constraint on the decision-making of the DSSABs and municipalities. <p>Effort</p> <ul style="list-style-type: none"> ▪ Would require analysis and consultation effort to arrive at the level at which changes to financial contribution would be capped. ▪ Would require a change in regulation.
Third party review	<p>Impact</p> <ul style="list-style-type: none"> ▪ Would result in reliable and unbiased information on the impact of changes to the apportionment formula; could assist DSSABs and municipalities to reach agreement on changes. ▪ There would be a cost to DSSABs for a third-party to conduct the review. ▪ Would likely be supported by DSSABs and municipalities. <p>Effort</p> <ul style="list-style-type: none"> ▪ Would not require significant effort to implement; the province, in collaboration with NOSDA could consider developing guidelines on the scope and parameters for a review. ▪ May require a change to regulation. ▪ Would create effort for the DSSAB to procure and oversee the review process and to gather and provide data to support the review.
Dispute Resolution	<p>Impact</p> <ul style="list-style-type: none"> ▪ Would provide a mechanism to resolve disputes; disputes would not continue for extended periods of time. ▪ Would allow a decision to be finalized so that the DSSABs could focus attention on delivery of service rather than dispute resolution. ▪ May not be supported by all DSSABs and municipalities because it removes decision-making from the local level; may be seen as an intrusion on autonomy. <p>Effort</p> <ul style="list-style-type: none"> ▪ Would require effort to determine the process for dispute resolution and where the function would reside.

Option	Evaluation
	<ul style="list-style-type: none"> ▪ Would require a regulation change. ▪ Could require the development of policies related to the when the dispute resolution process can be used and how it is triggered.

On balance, the benefits of setting limits on the amount of the increase in the level of a municipal levy do not outweigh the disadvantages. While the limit may provide a short-term solution, over time, levies could continue to rise. The measure would add to the complexity of developing an apportionment formula and may not resolve the underlying issues. Therefore, this measure is not recommended.

The requirement for a third party review of the impact of a change in apportionment formula in circumstances where the change in levy is beyond a certain threshold or when requested by a municipality would result in unbiased and reliable information upon which to base apportionment decisions. This could result in fewer disputes. This measure is recommended.

The addition of a dispute resolution mechanism to the current double majority approach to decision-making around changes to apportionment is also recommended. While it is not anticipated that this mechanism would be used frequently, it would provide a mechanism for a definitive resolution of disputes that cannot be resolved through the current process. The possibility that a decision could be made through an outside dispute resolution mechanism may also provide an incentive for DSSABs and municipalities to reach agreement so that they retain control over the decisions which affect them.

Recommendations
<p>To create a process for changing the apportionment formula which will result in greater acceptance of the result, it is recommended that:</p> <ul style="list-style-type: none"> ▪ The double majority process for altering the apportionment formula be supplemented by: <ul style="list-style-type: none"> ○ Requiring an independent, third party analysis of the impact of proposed changes to the apportionment formula if the impact on any municipality is anticipated to exceed a threshold percentage (to be determined) or if requested by any municipality. The third party analysis should also consider whether the proposed new apportionment formula is sound and fair to all municipalities. ○ Providing for a dispute resolution process which will result in a binding decision where some municipalities are unwilling to accept the decision arrived at through the double majority process.

Summary of Rationale for Recommendations

As with the apportionment formula, to support collective responsibility it is important that the process for changing the apportionment is considered fair and transparent and that the result is affordable to municipalities. The proposed recommendations:

- Address fairness and transparency by providing for a third party, independent analysis of the impact of the change; and,
- Provide for a dispute resolution process so that disputes get resolved in a timely manner so that the business of the DSSAB can proceed.

Reconsider the role of TWOMO representative in decisions related to apportionment formula

Issue Summary

During the consultation, there was some discussion on whether TWOMOs should participate in decisions on the apportionment formula. The reasoning given was that since the TWOMO portion of the DSSAB costs are paid for by the province, they do not have a financial interest in the outcome of a decision to change the apportionment formula.

Removing the TWOMOs from voting on matters related to changes in the apportionment formula would eliminate concerns that they can influence the apportionment decisions when they are not directly affected financially. This would mean that a board decision to ask municipalities to vote on a change to apportionment would reflect only municipalities that are directly affected financially by the change and voting on the proposed change would include only municipalities.

The process for determining municipal apportionment has several steps:

1. The total cost of providing service is determined by the DSSAB board;
2. The DSSAB portion of that total cost is determined based on the cost sharing formulas for each program area;
3. The TWOMO portion of those total costs is based on actual costs to provide the services to TWOMOs. This amount is paid for by the Province and is removed from the amount to be apportioned to municipalities; and,
4. The remaining amount constitutes the amount to be apportioned across the municipalities across the district according to an apportionment formula. This is the amount that is covered by the apportionment formula and the double majority provision to change it.

The issue of whether or not TWOMOs should vote on changes to the apportionment formula pertains only to Step 4, i.e. how the part of the costs that are going to be paid for by municipalities will be shared among municipalities. It does not pertain to Step 1 where the

DSSAB board determines the level of services to be provided, in which TWOMOs clearly have an interest.

It should be noted that the Province has an interest in the division of costs between TWOMOs and municipalities since the Province pays the TWOMO portion. Currently, according to regulation, TWOMO costs are determined based on actual cost of providing service in the TWOMOs.

Options for Change

1. Retain status quo, i.e. TWOMO representatives vote on all DSSAB issues including apportionment.
2. Exclude TWOMO representatives from voting on changes to the apportionment formula.

Considerations

As the description of the apportionment process above demonstrates, TWOMOs do not have a direct financial interest in the way that the municipal portion of DSSAB costs are distributed among municipalities. This would suggest that it is not appropriate for TWOMO representatives to have a say in the apportionment formula. As noted above, the TWOMO representatives would continue to vote on service decisions and other decisions of the DSSAB board.

It can be argued that TWOMO representatives have an indirect interest in the outcome of changes to apportionment if municipalities are unable or unwilling to pay their DSSAB levies as a result of the apportionment formula. This would result in a loss of revenue for the DSSAB and a consequent reduction of service which affects the TWOMO.

Review Team's Assessment

The review team considered whether the lack of direct financial interest of TWOMOs in how the municipal portion of costs is allocated among municipalities has a stronger weight than the indirect interest in service impacts if a municipality chooses not to pay its DSSAB levy.

After consideration, the review team concluded that the former should carry more weight than the latter. In the former instance, removing TWOMO representatives from voting on apportionment decisions means that democratically elected municipal councils would be deciding on issues which are directly related to expenditure of tax dollars in their municipalities. Therefore the municipalities have a direct financial interest in the outcome.

The interest of TWOMOs in these decisions (i.e. that the revenue stream to provide services would be reduced if a municipality does not pay its levy) is far less direct. It is also less likely to occur. If the recommendation above to institute a binding dispute resolution process is instituted, there will be a process by which municipalities which are concerned about

apportionment decisions have an avenue for appeal. It is likely that the dispute resolution process will consider fairness and ability to pay in its decision, further reducing the likelihood of a municipality being unwilling or unable to pay.

If a municipality decides not to pay its levy, it will be in contravention of the DSSAB Act which states in Section 9:

Payment by municipalities

(2) Each municipality shall pay the amounts required to be provided by it for its share of the costs of social services to the board for its district, on demand. 1997, c. 25, Sched. C, s. 1 (5).

The decision to withhold the levy and be in contravention of the law would not be taken lightly by municipalities. If this circumstance arises, this would become a matter which should be addressed through legal or other avenues rather than through the apportionment process.

If a decision is made to exclude TWOMOs from participating in decision-making related to changing the apportionment formula, it would also be necessary to determine whether they would be able to make representation in a dispute resolution process. This could be considered during the development of the terms of reference for the dispute resolution process described above.

Evaluation:

Advantages and Disadvantages of each option

	Pros	Cons
Status Quo	<ul style="list-style-type: none"> ▪ TWOMO representatives continue to have full voting responsibility for all DSSAB issues including apportionment. ▪ TWOMO representatives could provide an unbiased approach to apportionment discussions because they have no direct interest in the outcome. 	<ul style="list-style-type: none"> ▪ TWOMO representatives continue to have influence over financial decisions in which they have no direct interest. ▪ Use of municipal tax dollars is determined, at least partially, by those who are not directly elected at the municipal level.
Exclude TWOMO voting on apportionment	<ul style="list-style-type: none"> ▪ Only those with a direct financial interest vote on apportionment among municipalities of the municipal portion of DSSAB costs. ▪ The lack of a direct interest in apportionment takes precedence over an indirect interest in the possibility of reduced service 	<ul style="list-style-type: none"> ▪ Constitutes a change from current practice. ▪ TWOMO representatives may not support this. ▪ Could set up a dynamic on DSSAB boards between municipal members with full voting rights and TWOMO representatives who have voting rights

Pros		Cons
	delivery which is unlikely to occur.	restricted, albeit only on one issue. <ul style="list-style-type: none"> ▪ Could exacerbate a situation where one large municipality has <i>de facto</i> control over decision-making.

Evaluation against Principles

Option	Evaluation
Status Quo	<ul style="list-style-type: none"> ▪ Could be seen to support collective responsibility because all board members have responsibility for the overall fairness of how the DSSAB operates regardless of direct financial interest. ▪ Could be seen to contribute to financial sustainability by supporting an apportionment formula that is fair to everyone.
Exclude TWOMO voting on apportionment	<ul style="list-style-type: none"> ▪ Could be seen to support collective responsibility because those board members with direct financial interest have direct input into the decisions which affect the amount the municipalities pay. ▪ Could contribute to financial sustainability because municipalities feel they have control of decisions that directly affect their financial contribution.

Evaluation of Implementation Considerations

Option	Evaluation
Status Quo	<p>Impact:</p> <ul style="list-style-type: none"> ▪ The impact of retaining the status quo is likely to be small. ▪ Some municipalities may continue to express concern that TWOMO representatives are influencing decisions which do not affect them directly. <p>Effort:</p> <ul style="list-style-type: none"> ▪ There is no implementation effort associated with retaining the status quo.
Exclude TWOMO voting on apportionment	<p>Impact:</p> <ul style="list-style-type: none"> ▪ Could result in municipalities seeing decisions to change the apportionment formula as more fair and democratic. ▪ Some TWOMO representatives may not support restriction of their full voting rights. <p>Effort:</p> <ul style="list-style-type: none"> ▪ Would require some further policy analysis, consultation and a regulation change.

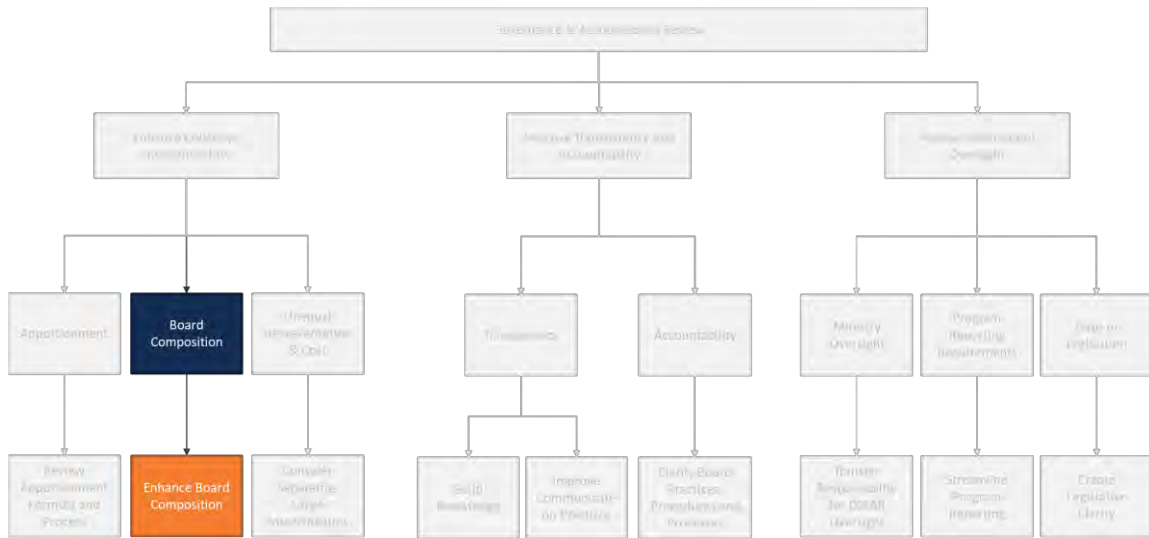
On balance, matching voting rights on changes to the apportionment formula with the municipalities that are directly financially affected by the decision to change the apportionment formula will contribute to fairness and, hopefully, acceptance of decisions.

Recommendations

It is recommended that:

TWOMOs be excluded from voting on changes to the apportionment formula.

8.3 Enhance Board Composition



8.3.1 Municipal Representation

Issue Summary

DSSAB Boards are currently comprised of elected municipal representatives who have been appointed to the Board, as well as representatives from unorganized territories, in accordance with the DSSAB regulation. Some Board members represent their own municipality only, and others represent more than one municipality. The number of voting seats per municipality/unorganized territory varies depending on its relative size and population in the DSSAB, which creates a system in which some municipalities have many votes, while others are represented by another municipality so in effect have a part of one vote (some even 1/8 of a vote).

This current structure has created challenges in some DSSABs, where larger municipalities have the ability to influence Board decisions more strongly than other municipalities, potentially unfairly. Similarly, some of the smaller municipalities who share a vote do not get a full and direct voice at the table, particularly if the person sitting in the voting seat is not appointed by their municipality.

Options for Change

To address challenges related to the municipal representative approach to board composition, a number of options are available:

1. **Retain status quo;**
2. Modify the existing approach so that **no more than 1/3 of members** can be from one municipality;
3. Reset the board composition to include **one voting seat for each municipality; or,**
4. Reset the board composition to include **one seat for each municipality with voting ability weighted by population.**

Considerations

Many of the core issues faced by DSSABs that have been in conflict have been related to board composition and the balance of voting, where some municipalities have used their relative voting power to influence decisions that others do not agree with. This can result in scenarios where various parties do not feel that apportionment and service access are distributed fairly. In Southern Ontario, all municipalities are represented on upper tier municipal councils, but voting is weighted by population.

Consideration of board composition must balance whether some municipalities are able to significantly control decision-making because they have multiple members on the board, whether every municipality should have a direct seat on the board, and whether the size of the board will negatively impact the decision-making process at the board.

As noted in section 6.2.2, governance best practice suggests that board size should ideally not be larger than 12 – 15 members. However, upper tier municipalities have representatives from all municipalities and can result in quite large councils. There is no evidence to suggest that the size of upper tier councils inhibits decision-making.

Review Team's Assessment

1. **Retain status quo:** The status quo has the advantage of retaining relatively small DSSAB boards, but has the disadvantage of excluding some municipalities from direct representation. Currently, Board composition largely reflects population. This approach will be evaluated further below.
2. **No more than 1/3 of members from one municipality:** Reducing the proportion of members from any one municipality on the board might alleviate the problem of a perception that one municipality can dictate or at least have a *de facto* veto over the decisions of a DSSAB. However, limiting the number of votes of a larger municipality could be seen as unfair with respect to the level of representation for people in the larger municipalities. This approach would not address the issue that some municipalities do not have direct representation. This approach is not recommended.

3. **One voting seat for each municipality:** Resetting board composition to include all municipalities would address the problem that some municipalities do not have direct representation on the DSSAB board. In some DSSABs, this would result in a very large board which might be unmanageable. This approach would result in over-representation of small municipalities based on population. It would also increase costs associated with the board. This approach is not recommended.

4. **One seat for each municipality with voting ability weighted by population:** Resetting board composition to include all municipalities would address the issue that currently not all municipalities are represented on the board and would allow all municipalities to have direct input into board decisions. Combining direct representation with voting weighted by population would result in decision-making that reflects the population of the district. This approach would not resolve the problem of a dominant voting capacity for larger municipalities. It would also result in a very large board in some DSSABs which could impact board effectiveness. It would also increase costs associated with the board. This approach is should be considered, but might be most effective if combined with the separation of large municipalities from the existing DSSABs, as discussed below. If combined with separation of the large municipalities, this would also address the issue of *de facto* veto that the large municipalities have in some DSSABs. This option reflects the approach in Southern Ontario where, when upper-tier governments are service managers, all municipalities are represented on the upper-tier councils.

Evaluation:

Advantages and Disadvantages of Each Option

	Pros	Cons
Status Quo	<ul style="list-style-type: none"> ▪ No disruption of current DSSAB boards. ▪ Boards remain relatively small which may contribute to effective decision-making. 	<ul style="list-style-type: none"> ▪ Some municipalities do not have direct representation. ▪ Large municipalities continue to have <i>de facto</i> veto power.
Limit number of representatives from one municipality	<ul style="list-style-type: none"> ▪ Provides better balance on boards and less likelihood that once municipality can dominate decisions. ▪ Could reduce size of boards; may contribute to better decision-making. 	<ul style="list-style-type: none"> ▪ Does not reflect the relative size of the population in DSSAB decision-making.
One voting seat for each municipality	<ul style="list-style-type: none"> ▪ Provides a direct representative from each municipality. 	<ul style="list-style-type: none"> ▪ Small municipalities are over-represented in voting on a population basis. ▪ Creates large boards in some districts which may affect decision-making.

	Pros	Cons
		<ul style="list-style-type: none"> Small municipalities may have difficulty providing a representative given other responsibilities of councillors. Will increase board associated costs *
One seat for each municipality, voting weighted by population	<ul style="list-style-type: none"> Provides for direct representation of all municipalities. Maintains voting ability based on population. Mimics approach of the Municipal Act and how some CMSMs function in Southern Ontario. 	<ul style="list-style-type: none"> Creates large boards in some districts which may affect decision-making. Small municipalities may have difficulty providing a representative given other responsibilities of councillors. Voting based on weighted population would result in continued ability of larger municipalities to have significant influence on decision-making outcome in those DSSABs with a large municipality. Will increase board associated costs.*

*A larger board will result in increased board associated costs. However, board related costs are a small portion of the overall administrative budgets of DSSABs, which are a small portion of program costs.

Evaluation against Principles

Option	Evaluation
Status Quo	<ul style="list-style-type: none"> The status quo has resulted in a collaborative approach and effective exercising of collective responsibility in many DSSABs. Collective responsibility is not currently being successfully implemented in some DSSABs in the status quo but this may not be resolved through changes to board composition.
Limit number of representatives from one municipality	<ul style="list-style-type: none"> This option could contribute to a perception of fairness because no one municipality could have undue influence on board decisions. This could contribute to a willingness to exercise collective responsibility. On the other hand, larger municipalities would feel under-represented in the voting process, which could detract from a willingness to exercise collective responsibility.
One voting seat for each municipality	<ul style="list-style-type: none"> This option would create more active engagement for municipalities that are not currently on the DSSAB boards which could contribute to a greater sense of ownership for DSSAB decisions, thus enhancing collective responsibility.

	<ul style="list-style-type: none"> Conversely, larger municipalities would feel under-represented, which could detract from their willingness to exercise collective responsibility.
One seat for each municipality, voting weighted by population	<ul style="list-style-type: none"> One seat for each municipality would contribute to a greater understanding of DSSAB issues in each municipality, while weighted voting would retain voting rights that reflect population, contributing to a sense of fairness which could support collective responsibility.

Evaluation of Implementation Considerations

Option	Evaluation
Status Quo	<p>Impact:</p> <ul style="list-style-type: none"> DSSAB boards that are currently functioning effectively will continue to do so. Maintaining the status quo will not contribute to resolving the issues that exist in some DSSABs. Other mechanisms to address the current issues would be necessary. <p>Effort</p> <ul style="list-style-type: none"> There is no implementation effort associated with this option.
Limit number of representatives from one municipality	<p>Impact</p> <ul style="list-style-type: none"> Would prevent one municipality from dominating decision-making. However, larger municipalities would be under-represented in decision-making based on population. This option would likely be opposed by the larger municipalities. <p>Effort</p> <ul style="list-style-type: none"> This option would require some additional analysis and consultation on details of implementation. Would require a change in regulation.
One voting seat for each municipality	<p>Impact</p> <ul style="list-style-type: none"> Municipalities not currently directly represented would likely support this recommendation, although some might find the additional workload difficult to support for a small council. DSSAB CAOs would likely oppose this approach as it could make board logistics and decision-making more difficult. Most indicated in consultations that current board size was effective. <p>Effort</p> <ul style="list-style-type: none"> Would require considerable effort to restructure the boards, provide orientation and to establish new board processes and procedures. A regulation change would be required.

Option	Evaluation
One seat for each municipality, voting weighted by population	<p>Impact</p> <ul style="list-style-type: none"> ▪ Municipalities not currently directly represented would likely support this recommendation, although some might find the additional workload difficult to support for a small council. ▪ DSSAB CAOs would likely oppose this approach as it could make board logistics and decision-making more difficult. Most indicated in consultations that current board size was effective. <p>Effort</p> <ul style="list-style-type: none"> ▪ Would require considerable effort to restructure the boards, provide orientation and to establish new board processes and procedures. ▪ A regulation change would be required. ▪ Processes to implement weighted voting would be required.

The evaluation demonstrates that there are advantages and disadvantages associated with all the options. Overall, Option 1: status quo and Option 4: One seat for each municipality with weighted voting ability are the most viable options because they both incorporate the democratic principle of voting based on population. Each of these two options have merit and the decision involves trade-offs.

Option 1: The status quo reflects representation that reflects population; is working well in many DSSABs; is likely to be supported by municipalities and DSSAB CAOs; and requires minimal implementation effort. The status quo does not address the issue that some municipalities are not directly represented at the DSSAB board. This weakness in the current model could be mitigated by improving communications by DSSABs to municipalities and through creating mechanisms for those DSSAB board members who represent more than one municipality to communicate more regularly and directly with the other municipalities that they represent, for example with a conference call before and following every board meeting.

Option 4: This option provides for direct representation of all municipalities while accounting for differences in population size through weighted voting. This options mimics the approach in Southern Ontario where there are upper tier municipalities acting as the CMSM. On the other hand, moving to one seat for each municipality with weighted voting does not address the issue that in some DSSABs one large municipality has significant influence over the voting process because of voting weighted by population. If this option were adopted, alternate measures to address this issue could be considered, such as considering separating of large municipalities from the DSSAB (see below). This option also creates implementation effort.

On balance, the status quo results in a manageable board size, and board representation and voting based on population. It also limits the costs associated with the board. In most DSSABs

this model is working well, and retention of this approach is not disruptive and does not create implementation challenges. As noted above, the biggest drawback is that many municipalities do not have direct representation which would have to be addressed through improved communication with those municipalities that are not directly represented. (See Section 9.3.1).

Recommendations

With respect to board composition and voting responsibilities, it is recommended that:

1. The status quo related to board composition, with some board members representing several municipalities, should be retained.
2. Voting members of the DSSAB board continue to be elected municipal officials.
3. Elected TWOMO representatives continue to be voting board members, except for items related to changing the apportionment formula (see above)

Communication with municipalities that are not directly represented should be enhanced (see recommendation 9.3.1)

Summary of Rationale for Recommendations

Because of the direct financial impact of DSSAB decisions on municipalities, voting board members should continue to be elected officials or elected TWOMO representatives. The recommendations will contribute to collective responsibility by:

- Ensuring that there is public accountability by continuing to have elected officials or elected TWOMO representatives as voting board members;
- The perception that TWOMO representatives are voting on apportionment issues when they are not directly impacted is removed; and,
- Improving communication with municipalities without direct representation to mitigate the disadvantages experienced by municipalities without direct representation.

8.3.2 Non-Voting Representation

Issue Summary

Municipalities strongly indicated that representation on the board should continue to be elected officials because municipalities are responsible for paying for DSSAB services. On the other hand, in alignment with governance leading practices, interest in building the skills capacity of the board by adding representatives with desired skills was raised. An interest in including diverse voices (e.g. people with lived experience, persons with disabilities, Indigenous representatives) on the board was also raised. Given that many of the topics discussed at the board level require a level of expertise in various business categories (i.e. finance, legal), some feel that opening the board to members with these skills may be beneficial. The same applies for those who would speak for a particular population, such as Indigenous groups or people who use services.

Options for Change

Options related to adding additional representation to the Board include:

1. **Status quo**, in which all representatives must be elected municipal representatives or elected TWOMO representatives, with no additional members;
2. Allowing board composition to include **voting members** who bring additional voices and skills to complement the existing board members; or,
3. Allowing board composition to include **non-voting members** who bring additional voices and skills to complement the existing board members.

Considerations

The key consideration with respect to representation beyond elected municipal officials is the extent to which people without direct financial contribution should be included and whether they should be able to vote on board decisions.

Review Team's Assessment

1. **Status quo:** The status quo approach maintains the direct connection between board composition and people who have been elected. With the exception of TWOMO representatives (discussed above), the current model only has elected municipal officials as members. By implication, the current regulation makes a link between accountability to municipal electors and the decisions which affect services provided to residents and the financial contribution of municipalities. While this approach is sound with respect to the accountability link, a system where the only qualification for being on a board is to be elected does not reflect governance best practices. Best practices suggest that there should be a range of skills and experience included on boards. To some extent, this can be mitigated by providing guidelines to municipalities on the skills and experience that they should consider when appointing board members (See Section 9.3: Clarify Board Practices, Procedures and Processes). This alone would be unlikely to result in the range of skills and experience that would be included in an ideal board. This approach is not recommended.
2. **Add voting members:** Including people with a range of skills and experience on the board in a voting capacity would result in a range of approaches and considerations to influence decisions of the DSSAB boards. However, allowing voting members who have not been elected and for whom there is no direct impact on financial contribution is not in keeping with direct accountability to the electorate. This is consistent with the previous recommendation that TWOMO representatives not vote on apportionment decisions. Additional voting members could be provincial and/ or DSSAB board appointments. It should also be noted that the Province makes a significant contribution to overall DSSAB costs, both through program cost sharing and because the Province pays the TWOMO

part of the DSSAB portion of overall costs. This might argue for a Provincial voice at the DSSAB board tables. This approach is not recommended.

3. **Add non-voting members:** Including people with a range of skills and experience on the board, but in a non-voting capacity would allow for additional voices on the board while maintaining the direct connection between voting members of the board and the financial contribution of municipalities.

Within this option, there are several possible variations:

- Non-voting appointments could be provincial (member-at-large);
- Non-voting appointments could be made by the board based on their knowledge of people in the community who could make a contribution; and,
- Addition of non-voting members could be required or discretionary.

Evaluation:

Advantages and Disadvantages of each option

	Pros	Cons
Provincial Appointees	<ul style="list-style-type: none"> ▪ Would enable the province to appoint non-voting members with knowledge or expertise that is of particular importance to the Province, e.g. knowledge of social services programs or municipal financing, legal or financial expertise. ▪ Would recognize the contribution to DSSABs from program cost sharing and because the Province pays the TWOMO portion of the DSSAB share of costs. 	<ul style="list-style-type: none"> ▪ Provincial appointees could be seen as an intrusion of the Province on the independence of the DSSAB board by municipalities and the DSSAB CAOs. ▪ Would increase the size of the board.
DSSAB Board Appointees	<ul style="list-style-type: none"> ▪ Would allow the DSSAB board to identify people in the district with particular interest or expertise in social services and to increase the diversity of voices at the board, e.g. Indigenous member or person with lived experience. 	<ul style="list-style-type: none"> ▪ Would increase the size of the board.
Required	<ul style="list-style-type: none"> ▪ Would ensure a wider range of expertise at the DSSAB board table. ▪ Reflects the Provincial interest in DSSABs. 	<ul style="list-style-type: none"> ▪ Could result in duplication of knowledge and expertise at the DSSAB board. ▪ Involves a time consuming public or ministerial appointments process.

	Pros	Cons
Discretionary	<ul style="list-style-type: none"> ▪ Would allow the Province to enhance the expertise at the board if the Province considered it necessary, but would not require it if the DSSAB board is functioning effectively. ▪ Public or ministerial appointment process would be required less frequently than if Provincial appointments were mandatory. ▪ Would allow DSSAB boards to include additional perspectives if they considered it to be desirable to do so, but would not require it. 	<ul style="list-style-type: none"> ▪ Would require the Province to have specific knowledge of the gaps in expertise at each DSSAB board in order to determine if a Provincial appointee is necessary.* ▪ A decision by the Province to make a public appointment could be seen by the DSSAB and municipalities as intrusive.

*This information could be gathered through the board and/or local municipalities

Evaluation against Principles

Option	Evaluation
Provincial Appointees	<ul style="list-style-type: none"> ▪ Could provide an avenue for the Province to contribute to the discussions on the board on matters where there is a provincial interest, including the collective responsibility of the Board for all residents of the district. ▪ Could contribute to financial sustainability through addition of expertise and information on Provincial programs.
DSSAB Board Appointees	<ul style="list-style-type: none"> ▪ Could contribute to the effectiveness of the Board in exercising collective responsibility by bringing voices to the table which reflect a broader range of perspectives on the needs and issues in the district.
Required	<ul style="list-style-type: none"> ▪ Ensures that additional skills and perspectives are included on the board which could provide additional support for collective responsibility and input into discussions which affect financial sustainability.
Discretionary	<ul style="list-style-type: none"> ▪ Allows for additional skills and perspectives to be included on the board which could provide additional support for collective responsibility and input into discussions which affect financial sustainability. ▪ Provides flexibility to be responsive to the changing needs for additional skills and perspectives.

Evaluation of Implementation Considerations

Option	Evaluation
Provincial Appointees	<p>Impact</p> <ul style="list-style-type: none"> ▪ Allows for additional voices on DSSAB boards on matters of provincial interest. ▪ Provincial appointees could be seen as an intrusion on the independence of the DSSAB board (partially mitigated by being non-voting members). ▪ Would increase board size which may affect the effectiveness of board processes. <p>Effort:</p> <ul style="list-style-type: none"> ▪ Would require consideration by the Province on the needs of each DSSAB board with respect to skills and expertise required. ▪ Would require public or ministerial appointments. ▪ Would require orientation and support for additional members. ▪ Would require a regulation change.
DSSAB Board Appointees	<p>Impact</p> <ul style="list-style-type: none"> ▪ Allows for additional perspectives on the DSSAB board. ▪ Would increase board size which may affect the effectiveness of board processes. ▪ Likely supported by DSSABs and municipalities as they control these appointments. <p>Effort</p> <ul style="list-style-type: none"> ▪ Would require orientation and support for additional members. ▪ Would require a regulation change.
Required	<p>Impact</p> <ul style="list-style-type: none"> ▪ Would ensure that provincial interest is represented on the DSSAB boards. ▪ Could result in unnecessary additions to the board. ▪ Provincial appointments may not be supported by the DSSAB boards or municipalities as they may be seen as intrusive. ▪ DSSAB boards that are working effectively may not see additional appointments as necessary. <p>Effort</p> <ul style="list-style-type: none"> ▪ See above.
Discretionary	<p>Impact</p> <ul style="list-style-type: none"> ▪ May be more acceptable to DSSAB boards and municipalities while allowing for additional skills, knowledge and perspectives when necessary. <p>Effort</p> <ul style="list-style-type: none"> ▪ See above.

There may be circumstances when additional skills and perspectives are required or desirable on DSSAB boards, either from the perspective of the Province or the DSSAB board. On the other hand, for DSSAB boards which are functioning well, this may not be seen as necessary.

Therefore, the discretionary option is recommended as it provides the ability to add skills, knowledge, and perspectives without making it mandatory to do so.

The types of skills, knowledge and perspective that would be beneficial could be different for the Province than for the DSSAB board, and the circumstances in which each choose to add non-voting appointees may be different. It is therefore suggested that there be an option for either or both of the Province and DSSAB board to appoint additional non-voting members.

Recommendations

To reflect governance best practice to include a range of skills on the board, and to bring additional voices and perspectives to the board, it is recommended that, in addition to municipal and TWOMO representatives:

1. The province have the option of appointing 1 - 2 additional board members as members-at-large to provide particular skills and/or perspectives which will enhance board deliberations;
2. The DSSAB boards have the option to appoint additional members with particular skills and perspectives to enhance board decision-making; and
3. Voting members continue to be elected municipal officials and TWOMO representatives (except for apportionment decisions) while Provincial and board appointees be non-voting members of the board.

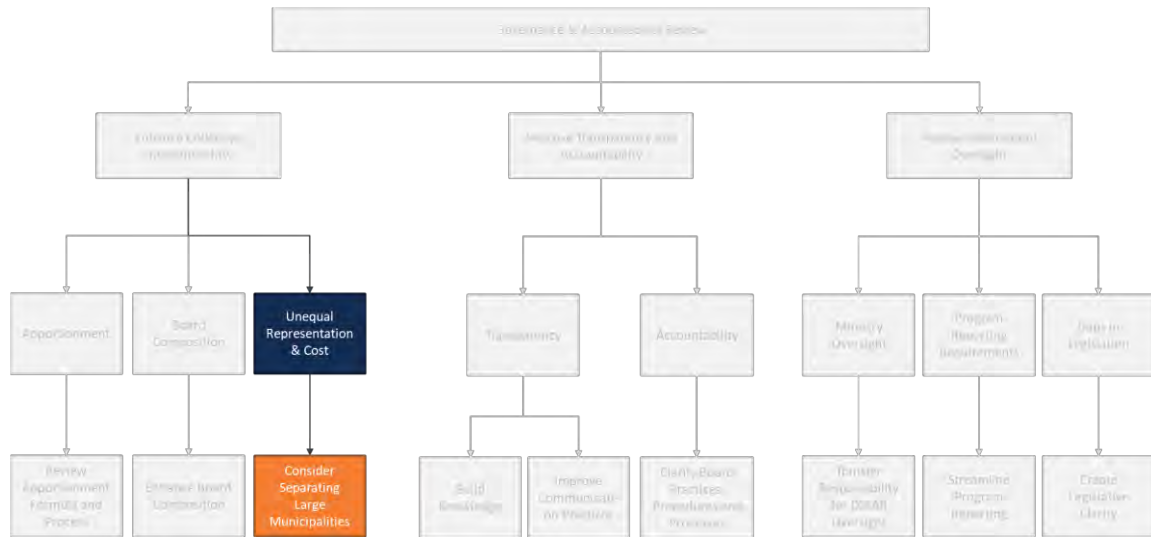
Summary of Rationale for Recommendations

Non-voting members of the board will provide different perspectives from municipal representatives. This may support the principle of collective responsibility by:

- Reflecting the needs of various groups in the district in board deliberations; and,
- Balancing the needs of the district as a whole with municipal interests expressed by elected officials.

Providing the option to appoint additional members allows flexibility for both the Province and the DSSAB board. The option may not be used if DSSAB boards are functioning effectively or if the Board already has the necessary skills, knowledge and perspectives. The recommendation to make these appointments optional may make the recommendation for provincial appointees more acceptable to DSSABs than if these appointments were required, which could be seen as intrusive.

8.4 Consider Separating Large Municipalities



8.4.1 Municipal Representation and Cost

Issue Summary

Some DSSABs are more balanced than others in terms of relative size of municipalities and TWOMOs, that is, they are all roughly the same population size, whereas others have one large municipality among a number of smaller municipalities (see **Section 6.3: Characteristics of the North**). Given that the current approaches to board composition, apportionment and accountability for service delivery are related to the proportion of board seats held by municipalities, changing the proportions will also change the power dynamics.

For the purposes of this section of the report, large municipalities in Northern Ontario based on 2012 census data are:

- Greater Sudbury (population 160, 274)
- Thunder Bay (population 108,359)
- Sault Ste. Marie (population 75,141)
- North Bay (population 53,651)
- Timmins (population 43,165)¹⁵

The Greater City of Sudbury is already a separate CMSM, so the discussion in this section of the document will apply to the DSSABs in which the other four large municipalities are located, namely Thunder Bay, Sault Ste. Marie, Nipissing, and Cochrane.

¹⁵ Population and dwelling counts for Canada, provinces and territories, and census subdivisions (municipalities), 2011 and 2006 censuses (Ontario), Statistics Canada, May 28, 2012

For those DSSABs with a larger municipality, issues have arisen in some districts related to the perceived disproportionate influence of the larger municipalities. As well, some of the large municipalities feel that they are paying a disproportionately large share of the costs for a district. These concerns have led to suggestions that changing boundaries of DSSABs, specifically removing the large municipalities from the DSSAB in which they are located, would be a possible approach to resolving these imbalances.

In August, 2017, the Northern Ontario Large Urban Mayors (NOLUM) discussed several issues related to DSSABs and the DSSAB review. This discussion included discussion of whether large municipalities should be separated from the DSSABs with smaller municipalities. They requested that the following be considered as part of the DSSAB Act Review:

The province allows the 5 big cities¹⁶ the option to opt out of the DSSABs and operating under a CMSM model like Sudbury currently does if the imbalances between funding and services become unsustainable to large cities in any new governance or funding models the province brings into effect.¹⁷

This has been considered in the discussion which follows.

Options for Change

To consider changes to the boundaries of DSSABs that have a disproportionately large member municipality, options are below:

1. **Status quo**, in which the current boundaries remain the same; or,
2. Create an approach which allows for consideration of resetting DSSAB boundaries to **separate the large municipality from the smaller ones**, essentially creating separate service delivery organizations for large municipalities. The municipalities affected would be Thunder Bay, Sault Ste. Marie, North Bay and Timmins.

Considerations

Issues related to having a larger municipality in the same DSSAB with smaller municipalities are not uniform, so each DSSAB which includes a large municipality will have to be considered separately so that the specific circumstances of each and the impact of separating the larger municipality can be assessed.

¹⁶ Greater Sudbury, Thunder Bay, Sault Ste. Marie, North Bay and Timmins

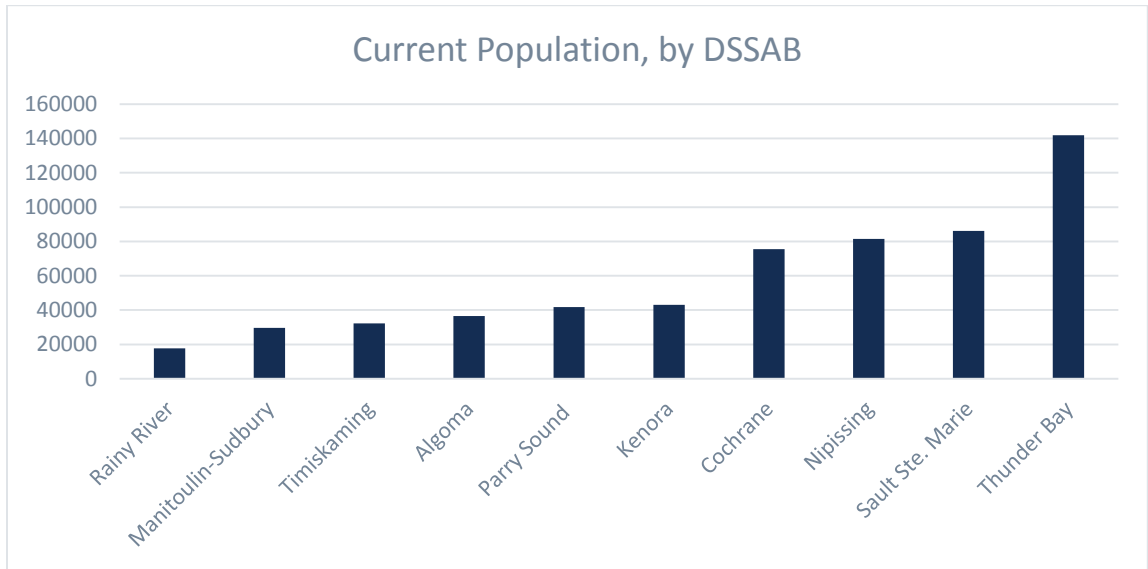
¹⁷ Northern Ontario Large Urban Mayors, Presentation to Various Ministers, AMO Conference, Ottawa Ontario, August 15, 2017

There are some models within the DSSAB realm that currently function in the same way proposed in Option 2 above. For example, Sault Ste. Marie DSSAB and Algoma District essentially operate as separate DSSABs within a single District, although Sault Ste. Marie DSSAB includes the City of Sault Ste. Marie, the Township of Prince, and the Territory within Sault North Planning Board which represents 31 unorganized townships. The Manitoulin-Sudbury DSSAB operates around the services delivered by the City of Greater Sudbury (which is a CMSM). This suggests that separating out the larger municipalities could be a viable option.

If the larger municipalities are separated from the smaller ones, the large municipality could become a CMSM. There would be only one municipality remaining, so it would be consistent with the approach in Southern Ontario where the municipality constitutes the CMSM. There are examples of single tier municipalities functioning as a CMSM, such as City of Chatham-Kent, City of Greater Sudbury, City of Hamilton, City of Ottawa and the City of Toronto. As in Southern Ontario, there would be no rationale for constituting a board separate from the municipality for the delivery of social services when there is only one municipality involved.

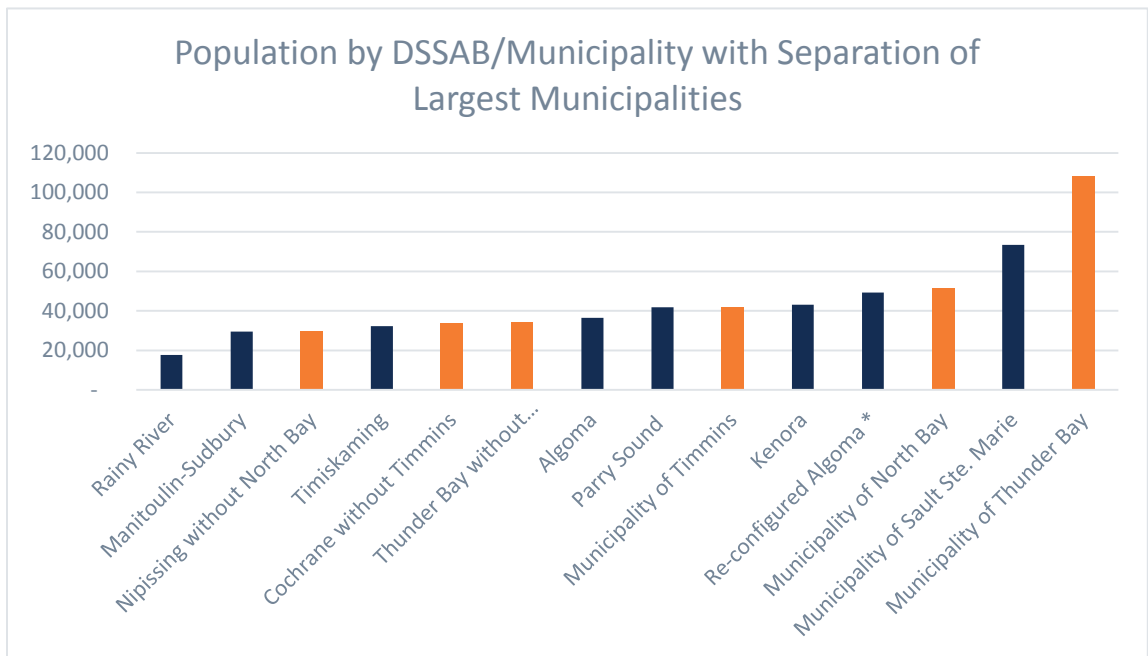
As a variation on creating completely separate organizations, research has identified successful models where one service provider contracts services from another. For example, in Southern Ontario, there are upper tier municipalities that provide service for separated municipalities on a fee-for-service basis.

A population base analysis also suggests that when the larger municipalities are segmented out of the DSSAB, the remaining municipalities continue to have a total population size that is comparable to that of some of the smaller DSSABs. The current population bases for the ten DSSABs are shown below:



18

If the four remaining large municipalities were removed from the current DSSABs, the population of the remaining DSSABs would be as shown below:



19

¹⁸ Population data was provided by the Ministry of Northern Development and Mines and is based off of 2016 Census data.

¹⁹ Population data was provided by the Ministry of Northern Development and Mines and is based off of 2016 Census data.

*Re-configured Algoma includes the current membership of Algoma DSSAB as well as Prince Township and Territory within Sault North Planning Board, both of which are currently within the Sault Ste. Marie DSSAB.

Data Note: The above graph uses 2016 values, with the exception of the Territory within Sault North Planning Board population value which is from 2015.

This chart shows that Nipissing without North Bay, Cochrane without Timmins and Thunder Bay without the City of Thunder Bay would have populations roughly comparable to Manitoulin-Sudbury, Timiskaming, and Algoma. Comparable population bases does not in itself guarantee that the remaining DSSABs would be viable from a financial and service delivery point of view, but it does suggest that they may be viable and further investigation and analysis would be worthwhile.

It is not possible within the scope of this report to provide a full analysis of the impact of separating the larger municipalities from the existing DSSABs. If this option is pursued, it would be necessary to do a full analysis that goes beyond population base alone. For example, in addition to population, the analysis could consider households, which more accurately reflects property tax payers. Ability to pay measures like weighted assessment could also be considered. Comparability of weighted assessment could be analyzed to help assess whether the new DSSABs would be viable from the point of view of ability to pay after the larger municipalities are removed. The analysis could also look at urban-rural distinctions and ease of delivering services.

Financial indicators could be used as well. These might include the proportion of costs that would be covered by the DSSAB or the cost per household for DSSAB services to see if there is an equitable distribution of costs after the larger municipalities are removed.

Consultation findings suggest that DSSABs that include municipalities with relatively similar population sizes tend to have more success in managing issues related to apportionment.

Based on these considerations, the rationale exists to support the exploration and consideration of options to separate larger municipalities from smaller municipalities is strong.

Review Team's Assessment

There are benefits and challenges related to separating boundaries that should be considered and evaluated.

The potential benefits of modifying boundaries are:

- Would solve the current issue being experienced by some, where one municipality has the ability to unduly influence board decisions and votes;
- Relieve concerns that large municipalities are bearing a disproportionate amount of cost; and,
- May reduce conflict related to apportionment and balancing service delivery across a district among populations of different densities.

The potential risks and negative consequences of modifying boundaries should also be considered:

- The viability of the remaining DSSABs would have to be demonstrated; similarly, the viability of the CMSMs based on the larger municipalities would have to be demonstrated;
- The creation of new structures is expensive, as each would need different levels of administrative support and/or staffing to operate, as well as to manage the Boards;
- Having more organizations creates more groups that need to be coordinated by the provincial government and associations, adding bureaucratic pressure; and,
- Careful implementation would need to ensure no service disruption, and that quality and access to services is maintained or enhanced throughout the transition and beyond.

The opportunity exists to modify the boundaries of the DSSABs to structurally support some of the change that is discussed above. The major question to be addressed is whether or not there is a business case to create new DSSAB boundaries in which the municipalities that have significantly higher populations than the others in their DSSAB are removed from the DSSAB and would become independent. This could apply to:

- Cochrane DSSAB – the City of Timmins could become its own entity; the remaining municipalities would continue to form the surrounding DSSAB;
- Thunder Bay DSSAB – the City of Thunder Bay could become its own entity; the remaining municipalities would continue to form the surrounding DSSAB;
- Nipissing DSSAB – the City of North Bay could become its own entity; the remaining municipalities would continue to form the surrounding DSSAB; and,
- Sault Ste. Marie DSSAB – the City of Sault Ste. Marie could become its own entity; the remaining municipalities that are in the Sault Ste. Marie DSSAB could join the Algoma DSSAB.

The decision to initiate a business case to separate out the larger municipalities should be optional, that is, if the DSSAB is functioning effectively in the current formation, there is no need to pursue this option. For example, finding from the consultations suggested that the Sault Ste. Marie configuration is working effectively as is the Algoma configuration. These two DSSABs could decide that the status quo is working and it would not be productive to change it. If they wanted to pursue change, the option of configuring Sault Ste. Marie as a CMSM while the two small municipalities currently in that DSSAB move into the Algoma DSSAB could be investigated. Similarly, consultations suggested that the Nipissing District DSSAB is functioning effectively and there may not be an interest in pursuing a different model. However, the possibility of changing so that North Bay becomes a CMSM could be considered if there is interest in doing so in the district.

The option of separating the larger municipalities may be of interest in Cochrane and Thunder Bay where significant issues have arisen which are at least partially a result of the imbalance in the size of the municipalities and the resultant board composition and financial contributions.

While the option of developing a business case should be available, ultimately the Province will have to make a decision on whether to separate the larger municipalities. This decision would have to be based on whether both the resulting CMSM and the remaining DSSAB are viable.

The purpose of the business case will be to demonstrate that changes will be viable for both the remaining DSSAB and the new CMSM. In developing a business case for removing a large municipality from the surrounding DSSAB, the following should be considered:

- **Impact on equitable access to services**—would there continue to be reasonably equitable access to services for all citizens of the district regardless of whether they live in the large municipality or the smaller surrounding municipalities?
- **Cost per household of providing services** –The cost per household of providing the service should be reasonably consistent in the new configuration for both of the newly configured organizations and in comparison with what was being paid in the existing configuration.
- **Financial sustainability**—would both the new CMSM and DSSAB for the remaining smaller municipalities be able to collect adequate revenue from the municipalities to be financially sustainable?
- **Administrative viability**—would it be possible to support the administration of the new organizations? This part of the business case could consider alternate administrative and service delivery models such as:
 - The complete segmentation of DSSAB structures, to create two separate delivery entities—a CMSM and a new DSSAB with separate administration and staff;
 - The establishment of two separate structures with separate governance, but with one purchasing service delivery through the other (thus maintaining only one staff and administrative team but with separate decision-making); or,
 - A combination of direct delivery and purchase of service from the other organization or another service provider.

Advantages and Disadvantages of each option

	Pros	Cons
Status Quo	<ul style="list-style-type: none"> ▪ Not disruptive. 	<ul style="list-style-type: none"> ▪ Does not provide a possible solution to the imbalance between large and small municipalities in four DSSABs.
Option to Develop a Business Case to Consider Separating Large Municipalities	<ul style="list-style-type: none"> ▪ Provides an opportunity to explore the viability of removing the large municipalities from the DSSABs. ▪ Could reduce the imbalance on the DSSAB boards. ▪ Provides the opportunity for larger municipalities to operate in a manner similar to some 	<ul style="list-style-type: none"> ▪ Developing a business case could be complex ▪ It may be difficult to definitively determine the impact and/or separation of the large municipalities may not be viable. ▪ Could increase costs and administrative burden.

Pros	Cons
<p>single tier municipalities in Southern Ontario.</p> <ul style="list-style-type: none"> Because the decision to develop a business case is optional, those DSSABs with larger municipalities in them that are operating effectively can continue to do so. 	

Evaluation against Principles

Option	Evaluation
Status Quo	<ul style="list-style-type: none"> Does not address the issues that have arisen in some DSSABs that have created challenges for collectively responsibility and financial sustainability.
Option to Develop a Business Case	<ul style="list-style-type: none"> Creates an avenue to explore a solution in those municipalities experiencing difficulty exercising collective responsibility. As the recommendation suggests that it is optional to develop a business case, those DSSABs where large and small municipalities are working together effectively could choose to continue with the status quo. Provides flexibility to respond to changes in the future.

Evaluation of Implementation Considerations

Option	Evaluation
Status Quo	<p>Impact</p> <ul style="list-style-type: none"> The option to develop a business case on the separation of the larger municipalities could create pressure to do so in those DSSABs where the current configuration is working, and could therefore create disruption unnecessarily in those DSSABs. <p>Effort:</p> <ul style="list-style-type: none"> There is no implementation effort associated with the status quo option.
	<p>Impact</p> <ul style="list-style-type: none"> Could create a resolution in those DSSABs where the imbalance between large and small municipalities has created challenges. Whether this is a workable alternative would not be known until the business case is complete. <p>Effort</p> <ul style="list-style-type: none"> There is effort and cost associated with developing the business case related to separating the large municipalities. There would be effort and cost associated with the transition from the current configurations to the new ones; a transition plan to guarantee effective continuity of service delivery would be required. A regulation change would be required.

While the option to pursue a business case to separate the larger from the smaller municipalities involves effort and cost, on balance, allowing this option could potentially provide a resolution in some DSSABs with a large municipality which are not currently functioning effectively.

Recommendations

In order to allow further consideration of whether larger municipalities should be separated from their current DSSAB, it is recommended that:

1. DSSABs which include a larger municipality have the option of developing a business case for the separation of the larger municipality from the DSSAB. The business case must demonstrate:
 - Consensus among all members of the District;
 - Net benefit to all residents of the District;
 - Ability of the new DSSAB and CMSM to deliver services equitably and effectively and without substantial new investment by the province.
2. If the business case for separating the larger municipality is demonstrated to the satisfaction of the province, the larger municipality be constituted as a CMSM and the remaining municipalities be included in a reconfigured DSSAB.

Rationale for Recommendations

These recommendations address the issue of imbalance of board composition and cost apportionment that sometimes arise when a DSSAB combines a large municipality and several small surrounding municipalities. If a business case exists for separating the larger municipalities, it could support collective responsibility by:

- For those DSSABs where there is an issue between the larger and smaller municipalities, creating DSSABs which more closely reflect the characteristics of those that are currently working well, i.e. a reasonable correlation between service received and amount paid, perception that the apportionment formula is fair and the levies are affordable, board composition is such that no one municipality can dominate decision-making;
- The larger municipality would have responsibility for providing services to its residents as is the case currently with Sudbury and single tier municipalities in the south; and,
- There are a range of operating models which support efficient and effective delivery of service to reflect local needs.

The rationale for designating the larger single municipalities as a CMSM is that they already have a municipal council that can function as the CMSM. This is in keeping with the approach in Southern Ontario and for Sudbury.

8.5 Evaluation of Measures to Enhance Collective Responsibility

This section of the report provides a summary evaluation of how the recommendations align with the guiding principles for the review and will contribute to improved collective responsibility.

8.5.1 Evaluation of Recommendations

Collective accountability for local social services: To support and enhance collective responsibility, it is necessary that board members and the municipalities they represent feel that the system is fundamentally fair and transparent. More specifically, collective responsibility is achieved when:

- There is a reasonable correlation between service received and amount paid because services are distributed on a relatively equal basis across a district;
- The apportionment formula is seen to be fair and reflects ability to pay;
- The board composition is such that no one municipality can dominate decision-making.

Apportionment must be perceived as fair, that is, levies are based on ability to pay, along with a sense that the cost of services is reasonably related to services received. Similarly, if the apportionment formula is changed, the basis of the change must be transparent and be seen to neither advantage nor disadvantage any municipality unduly. The recommendations on apportionment provide an approach which is based on ability to pay, but suggests that guidelines be developed to support DSSABs which are considering a change to their apportionment formula to create an apportionment formula which provides a better proxy for ability to pay. The enhancements to the process for changing the apportionment formula also increase fairness by limiting the impact on municipalities, requiring unbiased third party assessment of impact, and providing for a dispute resolution mechanism to be used when a municipality is unable to support decisions on changing the apportionment formula. Removing the TWOMO representatives from voting on apportionment decisions will also contribute to a sense of fairness in that only Board members from municipalities will be voting on decisions that affect the amount that each municipality will pay. These measures should reduce the possibility that a municipality is not able or willing to act in the interests of the district as a whole.

Recommendations related to board composition support maintaining the status quo approach because this current composition is working well in most DSSABs. However, the problem of lack of direct representation from each municipality should be mitigated by establishing enhanced processes for board members who represent more than one municipality to provide input and receive feedback from the municipalities that they represent. This would strengthen collective accountability. Addition of non-voting members with varying skills, experience and

perspective could also contribute to understanding of the needs of the district and support the exercise of collective responsibility.

The recommendation to allow DSSABs with a large municipality to explore the business case for separating the larger municipalities from the DSSAB may partially address the problem that large municipalities are able to unduly influence voting at the board. If the large municipalities are separated, the boards in the remaining DSSABs will be more balanced and the municipalities may have more common issues and interests. This may make adhering to the principle of collective responsibility more viable. The larger municipalities will be able to make decisions affecting the municipality through their councils (as a CMSM), which is a direct approach to accountability to the residents of the municipality.

Financial Sustainability: The recommendation to provide guidelines for DSSABs that are considering changing their apportionment formula to provide a better proxy for ability to pay will address some concerns that the current apportionment formula is not fair. A formula that better reflects the ability to pay will contribute to financial sustainability of the DSSAB by contributing to affordability for municipalities.


Responsiveness to Change: The recommendations on the process for changing the apportionment formula strike a balance between enabling DSSABs to change the apportionment formula (as is currently the case), with the need to ensure that the changes do not adversely impact municipalities to the point that they are not able to meet their financial responsibilities to the DSSAB. Specifically, the addition of a dispute resolution process will provide an avenue to have a definitive resolution of disputes so that DSSABs can re-focus on provision of service.

Impact and Effort: The recommendations attempt to provide a balance between limiting the impact and effort for those DSSABs which are functioning effectively and providing options that can be pursued by those DSSABs which want to consider alternate approaches to the status quo. For example, the recommendation on changing the apportionment formula retains the current default formula, but suggests that additional guidance be provided for those contemplating a change to the formula. Supplementing a double majority process with a dispute resolution process provides an option if agreement can't be reached, but would only likely be used in exceptional circumstances. Because the possibility to develop a business case to separate the larger municipalities from their current DSSAB is optional and not required, it would not be necessary for any DSSAB that is currently working well to pursue this option. This balanced approach should minimize impact for DSSABs which are working well while providing options for other DSSABs that would like to consider change.

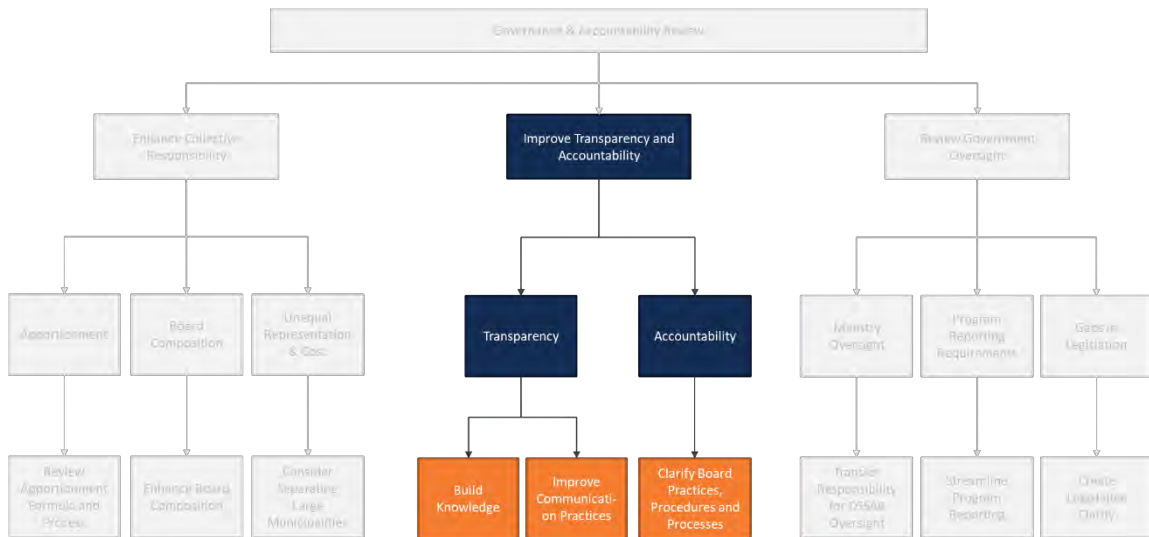
8.5.2 Cumulative Impact of Recommendations

Any of the recommendations in this section will contribute to enhanced collective responsibility. However, the issues which contribute to challenges in this regard are closely linked. Therefore, greater impact will be achieved if they are considered as a package so that all three issues are addressed. Taken together, the recommendations will lead to a significant improvement in the current DSSAB model.

9 Recommendations to Improve Transparency and Accountability

 Section: Transparency and Accountability	Section Description In this section, the options and recommendations related to enhancing transparency and accountability in DSSABs are developed.
	Sub-Sections 1. Overview of Recommendations to Improve Accountability and Transparency 2. Transparency 3. Accountability 4. Summary of Evaluation Measures to Enhance Accountability and Transparency

9.1 Overview of Recommendations to Improve Transparency and Accountability



Issues of transparency and accountability came up across all consultation sessions, from the perspectives of staff, board members and municipal representatives, in different ways. Transparency issues relate to:

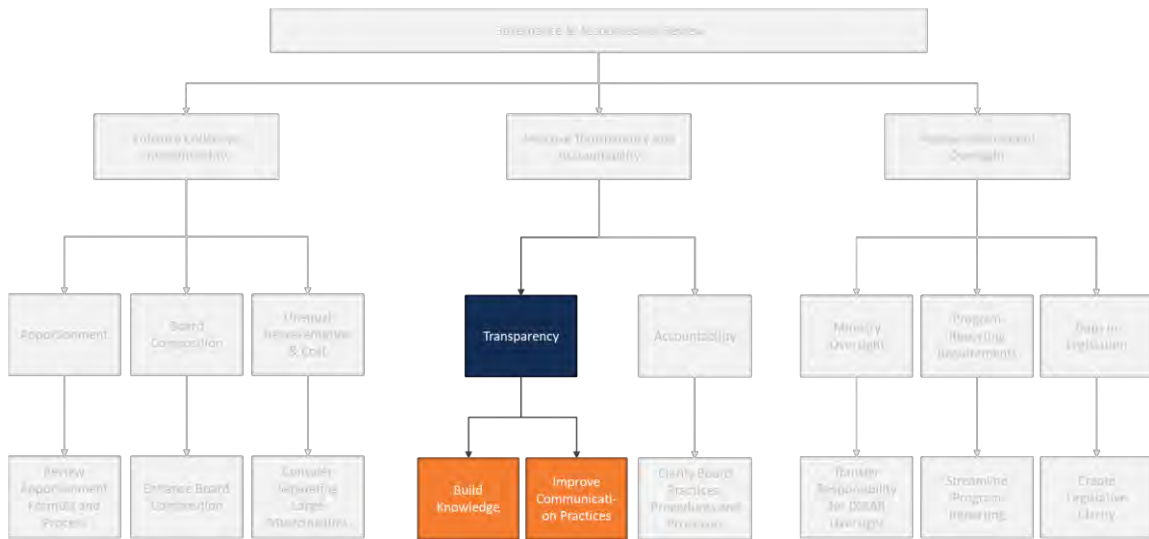
- A perceived lack of knowledge among the public and municipalities regarding the role and functioning of DSSABs; and,
- Inconsistent processes for communicating with Board members and municipal representatives about DSSAB board decisions.

Accountability issues relate to a perceived lack of clarity and consistency regarding board processes, procedures and practices, in the following areas:

- Qualification and duties of board members;
- Term start dates and other issues related to term length;
- Conduct of board meetings;
- Access to financing and related financial practices; and,
- Board member knowledge and capacity.

This section will include a detailed analysis of transparency and accountability issues discovered through the review, including term start dates and access to financing, and will propose recommendations and corresponding rationale.

9.2 Transparency



This section will explore issues of transparency relating to a lack of knowledge about DSSABs among the public and municipalities and inconsistent communication practices across DSSABs.

9.2.1 Build Knowledge

Issue Summary

A common theme drawn from the consultations was that the role and functioning of the DSSABs is not well understood by the general public and some municipalities. Under the current DSSAB model, each district is responsible for developing content to inform and spread awareness about the DSSAB to members of the public and to municipal representatives. Although the efforts of most DSSABs to communicate relevant information to partners is significant, many are still looking for more information to inform their decisions and help them access services.

Summary of Analysis

Most districts have existing tools which are currently being used to foster a greater understanding about DSSABs across Northern Ontario. To build knowledge among the public and municipalities, consistent approaches to the following would be beneficial:

1. Defining appropriate content about DSSABs for each target audience;
2. Confirming what information is common to all districts versus what is locally DSSAB specific; and,
3. Determining which communication channels are used to disseminate information.

The following sections provide additional analysis on each of these approaches, building on the consultation findings and research activities. To support efforts, it will also be important for DSSABs and the province to work in collaboration with other DSSABs, associations (i.e., NOSDA, AMO, NOMA and FONOM) and ministry partners.

1. Approach 1: Targeted Content about DSSABs

The general public and municipalities each require a different level of understanding about the role and functioning of a DSSAB. It will be important to adjust the content and type of information provided to the appropriate target audience.

- The **general public** needs to understand what services the DSSAB offers, how to access these services and where to go to gather additional information;
- The **municipalities** (both councillors and administrators) need to understand the social services offered by the DSSAB, how DSSAB costs are shared among the municipalities and higher levels of government, and general board governance and accountability practices (in particular, the concept of collective responsibility for DSSAB services).

2. Approach 2: Common vs. DSSAB Specific Information

In building knowledge about the DSSAB among the public and municipalities, some information will be common and thus applicable to all DSSABs while other information will be specific to a particular district. It will be important to share information common to all more broadly across Northern Ontario, while information specific to a DSSAB can be shared at a local level.

- **Common information** will include, for example, general information about DSSAB services, DSSAB statute and regulation, as well as the cost-sharing approach among municipalities and higher levels of government; and,
- **DSSAB specific information** will include, for example, knowledge about specific services and how/where to access them within a district, DSSAB board by-laws and the local apportionment approach.

3. Approach 3: Communication and Dissemination Approach

Given that people living in the North experience issues of access to web-based services and must travel vast geographic distances to access information in-person, it will be important that there

be consideration for how information is disseminated and through what channels. A multi-pronged approach that includes a mix of **online, in-print** and **in-person communication channels** will ensure that both target audiences are able to access the information they require in different ways, depending on their preferences and access to technology. The knowledge sharing products should also be disseminated through a variety of mechanisms, which may include:

- DSSAB service guide, to be accessible online and in-print and disseminated to municipalities to enable them to share information about DSSABs with their constituents in the most appropriate way; and,
- Provincial website that provides information common to all DSSABs with specific links to each DSSAB website for localized information. Further, each DSSAB website would have a common look and feel and common types of content provided at the local level.

Recommendations
<p>To enable the public and municipalities to understand the role and functioning of the DSSAB it is recommended that a comprehensive information and communication approach be developed collaboratively by the Province, DSSAB leadership and NOSDA with input from FONOM and NOMA, including:</p> <ol style="list-style-type: none"> a. Targeted content for both the public in the form of a DSSAB Service Guide and for municipalities in the form of a high level overview of DSSAB operations and good governance practices; b. Multiple communication channels such as online, in-print, and in-person, to ensure the information is accessible to all people living in the North; and, c. A provincial website that provides information common to all DSSABs with links to each DSSAB website which would have a common look and feel where information specific to a district would be provided.

Evaluation against Principles

Recommendation	Evaluation
Build Knowledge	<ul style="list-style-type: none"> ▪ A comprehensive information and communication approach built collaboratively with DSSAB leadership, NOSDA, FONOM and NOMA aligns with the principle of clear roles and responsibilities as all parties are working together to define the approach. ▪ A provincial DSSAB website that provides information relevant to stakeholders from across the North that is linked to local DSSAB websites that have a common look and feel aligns with the principle of transparent processes by promoting a consistent approach to information sharing.

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Build Knowledge</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ DSSAB staff, boards and municipalities that indicated a lack of clarity among the public and municipalities regarding the role and functioning of DSSABs would be able to access clearer and more consistent information. ▪ Consistent and targeted communication practices can improve access to DSSAB services and knowledge of what they do among the public and municipalities. <p>Effort</p> <ul style="list-style-type: none"> ▪ This recommendation would require the following costs/investments: <ul style="list-style-type: none"> – A provincial web landing page – Updates to local DSSAB websites – Development of a DSSAB Service Guide and DSSAB operations and good governance practices guide – Printing and distribution of DSSAB Service Guide ▪ Would require no change in regulation.

Summary of Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- Building knowledge at a provincial level across the public and municipalities will improve clarity about the roles and responsibilities of DSSABs;
- The provision of targeted content that has been described would contribute to enhanced transparency and address many of the issues raised in the consultations with respect to accessing information on the role and purpose of the DSSAB; and,
- The purpose of identifying which information is common to all DSSABs and suggesting that the province share this information broadly is that it will support delivery of a consistent message across the North. This will be balanced with the sharing of information at a local level by DSSABs on information that is identified as DSSAB specific.

9.2.2 Improve Communication Practices

Issue Summary

A common theme across consultation sessions was that board members and municipalities have varying levels of understanding and knowledge about decisions made by the DSSAB and the board. This leads to a perception among board members and municipalities that there is a lack of transparency regarding decisions made by the DSSAB. The following were two key issues:

1. **Communication/transparency of DSSAB decisions:** Some board members indicated that they do not receive agendas in advance of meetings and/or that minutes are not distributed soon enough after meetings. One importance aspect of improved communications/transparency is ensuring full financial transparency, including the impact of uploading of costs to the Province on the DSSAB budget and/or services provided and the impact of changes to municipal assessment on the allocation of costs. Other board members indicated this process works well in their district; and,
2. **Municipal understanding of board decisions:** Some municipal representatives indicated that they do not have a clear understanding of what occurs at DSSAB board meetings and would like more frequent communication about the DSSAB throughout the year to support municipal decision-making.

Summary of Analysis

To increase transparency of board decisions and improve overall communication practices, the table below provides an outline of the types of information that board members and municipalities would like to receive, gathered through consultation activities.

Communication Practices for DSSABs				
Target Audience	Communication Forum/Frequency	Communication Channel	Communication Lead	Communication Content
Municipal Councils	Annual General Meeting or Town Hall (rotated to a different municipality annually)	<ul style="list-style-type: none"> ▪ In-person ▪ Live-stream 	<ul style="list-style-type: none"> ▪ DSSAB board representative ▪ DSSAB CAO and senior administrative staff 	<p>Financial Decisions</p> <ul style="list-style-type: none"> ▪ Annual budget <p>Cost vs. Usage Information</p> <ul style="list-style-type: none"> ▪ Annual cost and amount of services used by residents in a municipality <p>Strategic Decisions</p> <ul style="list-style-type: none"> ▪ Strategic plan and directions

Communication Practices for DSSABs				
Target Audience	Communication Forum/Frequency	Communication Channel	Communication Lead	Communication Content
				<ul style="list-style-type: none"> A review of the previous year's accomplishments and shortfalls
	Quarterly Newsletter	<ul style="list-style-type: none"> Electronic mail DSSAB website 	<ul style="list-style-type: none"> DSSAB CAO 	<p>Financial Decisions</p> <ul style="list-style-type: none"> Quarterly updates on spending <p>Program Decisions</p> <ul style="list-style-type: none"> Updates and links to relevant and new program information
	Board Meeting Updates	<ul style="list-style-type: none"> DSSAB website 	<ul style="list-style-type: none"> DSSAB CAO DSSAB Board Chair 	<p>Board Decisions</p> <ul style="list-style-type: none"> Agenda Meeting Minutes
Board Members	Board Meeting Updates	<ul style="list-style-type: none"> Electronic mail DSSAB website 	<ul style="list-style-type: none"> DSSAB CAO DSSAB Board Chair 	<p>Board Decisions</p> <ul style="list-style-type: none"> Agenda (pre-circulated) Meeting Minutes (within 1-month)

Recommendations

To provide greater clarity with respect to decisions made by the board and the municipalities, it is recommended that a guideline on communications best practices be developed by the province, DSSABs and NOSDA in consultation with FONOM and NOMA. The best practices communications guideline could include a requirement to explicitly indicate how the upload of costs to the Province has impacted the overall municipal share of DSSAB costs. Transparency on how changes in municipal assessment may affect future levies for other municipalities in the district could also be included in communications material.

Evaluation against Principles

Recommendation	Evaluation
Improve Communication Practices	<ul style="list-style-type: none"> A guideline on communication best practices developed collaboratively with DSSAB leadership, NOSDA, FONOM and NOMA aligns with the principal of clear roles and responsibilities as all parties are working together to develop the guideline. A guideline that provides consistency regarding how board decisions are communicated among board members and municipalities aligns with the principle of transparent processes by promoting a consistent approach to information sharing.

Evaluation of Implementation Considerations

Recommendation	Evaluation
Improve Communication Practices	<p>Impact</p> <ul style="list-style-type: none"> ▪ DSSAB Board and municipalities that indicated a lack of clarity regarding board decisions would have consistent access to standardized information and the guideline would set expectations for communication standards and best practices across the North (for decisions coming out of both open and closed meetings). ▪ DSSAB leadership and staff would have greater clarity regarding what decisions need to be communicated and how this information should be shared. <p>Effort</p> <ul style="list-style-type: none"> ▪ This recommendation would require coordination and collaboration of DSSAB Chief Administrative Officers, board members, municipalities and the province (among others). ▪ Many of the existing tools and templates used by DSSABs could be leveraged and shared. ▪ Would require no change in regulation.

Summary of Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- A clear guideline for DSSABs that outlines agreed upon best practices will improve transparency of DSSAB and board decisions; and,
- A standardized communications approach and expectations across all districts will support better information sharing across districts and colleagues.

9.3 Accountability



This section explores issues related to a perceived lack of clarity regarding board processes, procedures and practices across five key sub-issue areas, including:

1. Qualification and duties of board members;
2. Term start dates and other issues related to term length;
3. Conduct of board meetings;
4. Access to financing and related financial practices; and,
5. Board member knowledge and capacity.

9.3.1 Clarify Board Practices, Procedures and Processes

General Issue Summary

A common theme across consultations was that there is a lack of clarity and consistency regarding DSSAB board practices, procedures and processes. Consultation focus areas that fall under accountability issues include accountability of board members and DSSABs as well as term start dates and access to financing.

Areas where DSSAB board practices, procedures and processes are in need of greater clarity or specificity include the following outlined in the table below (the sections of the report below follow this order):

DSSAB Board Practices, Procedures and Processes		
#	Board Practice, Procedure, Process Category	Description of Elements Requiring Clarity or Specificity
1	Qualification and Duties of Board Members	<ul style="list-style-type: none"> ▪ Roles and responsibilities ▪ Municipal Conflict of Interest Act ▪ Skills of DSSAB board members
2	Term Start Dates and Other Issues Related to Term Length	<ul style="list-style-type: none"> ▪ Transition period following election (Misalignment of Term Start Date) ▪ DSSAB board and chair term limits ▪ Shared representation
3	Conduct of Board Meetings	<ul style="list-style-type: none"> ▪ Code of conduct ▪ Electronic attendance ▪ Closed meetings ▪ Audio/video recording and live-streaming board meetings
4	Access to Financing and Related Financial Practices	<ul style="list-style-type: none"> ▪ Ability to borrow ▪ Use of reserve funds ▪ Ownership of debt ▪ Budget approval and financial disclosure
5	Board Member Knowledge and Capacity	<ul style="list-style-type: none"> ▪ Board orientation and professional development

Summary of Analysis

To build clarity regarding board practices, procedures and processes the province could do one/or both of the following:

1. Enhance and approve the current *Interim Governance and Accountability Guidelines for DSSABs (Interim Guidelines)* for greater specificity; and/or,
2. Establish in regulation specific DSSAB board practices, procedures and processes.

If the province decides to establish specific DSSAB board practices in regulation, it may do so by explicitly describing the practice, or it may describe the elements that would need to be included in a by-law. In the latter case, the local DSSAB board would be required to create the by-law but would have discretion over the specific elements of what would be included in the by-law.

In deciding whether the province will put board practices, procedures and processes into a good governance guideline or directly into regulation, there needs to be consideration for the balance between providing local control and discretion over DSSAB board decisions versus when the province should be prescriptive about these practices to foster accountability and mitigate risk.

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in the South. The Municipal Act was referenced throughout consultations as a tool that provides greater clarity to DSSAB Board members and municipal councillors on a number of key issues raised, as compared to the DSSAB Act. In conducting this analysis our findings indicate that for each of the ten interim

guidelines described in the *Interim Governance and Accountability Guidelines for DSSABs (June 2006)* a comparable piece of legislation can be found in the Municipal Act. The interim guidelines are described in detail in **Appendix 4: Interim Governance and Accountability Guidelines for DSSABs**. The alignment between the DSSAB interim guidelines and Municipal Act is described in the table below. This alignment is assessed in further detail in the five sub-sections below.

#	DSSAB Interim Guideline	Alignment to Municipal Act
1	Role of the DSSAB Board, Chair, Officers and Employees	Section 224: Role of Council; 225: Role of Head of Council; 227: Municipal Administration; 228: Clerk; and 229: Chief Administrative Officer
2	Closed Meetings	Section 239: Meetings open to public
3	Procedure By-Law	Section 238: Procedure By-Law
4	Notice Policy	There is not direct alignment to a section in the Municipal Act, however throughout the act there are specific sections that indicate when notice must be given. For example, Section 219: Notice indicates that before passing a by-law the municipality shall give notice of its intention to pass the by-law or resolution.
5	Municipal Conflict of Interest Act	The Municipal Conflict of Interest Act applies to all CMSMs
6	Audit Requirements	Section 296: Auditor
7	Financial Statements	Section 294.1: Annual financial statements and 295: Publication of financial statements
8	TWOMO Election Administration	Section 3: Application of Act of the Municipal Elections Act, 1996 applies to electing trustees to school boards which aligns to the process used for electing TWOMO's described in the Interim Guideline #8.
9	Transition Period Following Election	Section 275: Restricted Acts and Subsections 196 (4) and (5): Term of office
10	Filling a TWOMO Member Vacancy	Section 38: Appointment to fill vacancy on school board of the Municipal Elections Act, 1996 for filling a school board vacancy by appointment which aligns to the process used for filling a TWOMO member vacancy described in Interim Guideline #10.

Based on these findings our overall recommendation is for the province to establish the Interim Governance and Accountability Guidelines for DSSABs (June 2006) in regulation. The table above demonstrates that DSSABs operate in a less regulated environment than CMSMs, which may be contributing to the lack of clarity expressed during consultations from the perspective of DSSAB leadership and board members regarding board practices, procedures and processes. A movement towards establishing these guidelines in regulation would better align with what currently governs CMSMs in the South and would help to standardize and create consistency board practices across the North.

1. *Sub-Issue 1: Qualification and Duties of Board Members*

Sub-Issue Discussion

Although there was differing perspectives, three broad issues were raised regarding greater clarity with respect to the qualifications and duties of board members:

1. **Roles and responsibilities of DSSAB board members is unclear:** There was a lack of clarity from the perspective of consultation participants regarding the role of board members in representing the interests of their municipality versus the interests of the entire district when sitting on the DSSAB board. This lack of clarity stems from the requirement in the Municipal Act which indicates that the role of council is to “consider the well-being and interests of the municipality” while *Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees* indicates that the role of DSSAB board members is to “consider the well-being and interests of all the member municipalities and TWOMOs”. This dichotomy exists in several contexts for municipal councillors when they sit on boards as municipal representatives and is generally addressed through board norms;
2. **Application of the *Municipal Conflict of Interest Act* is inconsistent:** *Interim Guideline #5: Municipal Conflict of Interest Act* (MCIA) indicates that MCIA applies to DSSAB Board Members, however some participants were not aware of this and/or indicated that it should be made clear in statute or regulation that MCIA applies to Board members when they sit on the DSSAB board; and,
3. **Skills of DSSAB board members:** The central qualification for DSSAB board members is that they are an elected official²⁰. This is to ensure appropriate stewardship of municipal taxes. However, participants noted that the social services system is complex and the skills needed to sit on the DSSAB board go beyond whether one is an elected official. It was suggested that greater direction regarding the types of skills one needs to have and/or develop in their role as a DSSAB board member would support municipal councils in selecting the most appropriate municipal candidate.

Summary of Analysis

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in the South. The table below provides an overview of what is included in the Municipal Act with respect to the qualification and duties of Municipal Councillors.

²⁰ Other qualifications described in regulation include that councillors must be 18 years or older, a permanent resident of the territory, an owner/tenant of the property or spouse of the owner/tenant of the property, and not an employee of the DSSAB.

Assessment of Municipal Act Regarding Qualification and Duties of Board Members		
Elements Requiring Clarity	Alignment with Municipal Act and Regulations	Analysis
<ul style="list-style-type: none"> Roles and responsibilities 	<p>The Municipal Act in sections 224, 225, 227, 228 and 229 provides clear direction regarding the roles and responsibilities of council, heads of council and officers and employees of the municipality respectively. These role descriptions closely align to the descriptions provided in the DSSAB Interim Guidelines for the role of the DSSAB board, chair, officers and employees (i.e., <i>Interim Guideline #1: Role of the Board, Chair, Officers and Employees</i>).</p>	<p>To align the DSSAB Act with sections 224, 225, 227, 228 and 229 of the Municipal Act the province should establish <i>Interim Guideline #1: Role of the Board, Chair, Officers and Employees</i> in regulation.</p>
<ul style="list-style-type: none"> Application of the Municipal Conflict of Interest Act 	<p>The Municipal Conflict of Interest Act applies to all Municipal Councillors including those who govern CMSMs in the South.</p>	<p>To align the DSSAB Act with the Municipal Conflict of Interest Act (applicable to all CMSMs in the south) the province should establish <i>Interim Guideline #5: Municipal Conflict of Interest Act</i> in regulation.</p>
<ul style="list-style-type: none"> Skills of DSSAB board members 	<p>The Municipal Act provides no direction in statute regarding the necessary or suggested skills of municipal councillors.</p> <p>The Municipal Act in sections 256, 257 and 258 describe the eligibility requirements for being elected and for holding office. These requirements indicate that a person is qualified if they meet the requirements of an elector as described under the Municipal Elections Act, 1996 in section 17 (e.g., they reside in the municipality, are a Canadian citizen, etc.) and as long as they are not disqualified by this or any other Act from holding office.</p>	<p>To align the DSSAB Act with the Municipal Act the province should not establish anything in regulation regarding the skills and knowledge required of DSSAB Board members.</p>

Based on the issues and analysis described above, the following recommendations have been developed:

Recommendations
<ol style="list-style-type: none"> To improve clarity with respect to the role of DSSAB board members in representing the well-being of all people who live in the district as a whole, it is recommended that the roles and responsibilities of the DSSAB board, chair, officers and employee, as set out in <i>Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees</i>, be explicitly stated in regulation. It is also recommended that a discussion of the role of DSSAB board members

Recommendations
<p>in representing the well-being of the district as a whole be included in a board orientation package;</p> <p>2. To improve clarity with respect to the application of the <i>Municipal Conflict of Interest Act</i> to all members of a DSSAB board (including TWOMO) it is recommended that the requirement highlighted in <i>Interim Guideline #5: Municipal Conflict of Interest Act</i> be explicitly stated in regulation; and,</p> <p>3. To provide greater clarity to municipal councils on the types of skills and knowledge that a DSSAB board member should have to be effective in their role, it is recommended that the province create a DSSAB Board Skills and Qualifications Guide. This guide would support the selection of councillors who have the specific skills or expertise to serve as a board member, or the selection of those who are interested in developing these skills.</p>

Evaluation against Principles

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Qualification and Duties of Board Members</p>	<ul style="list-style-type: none"> ▪ Establishing Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees directly in regulation aligns with the principle of creating clear roles and responsibilities for all parties; further establishing in regulation that board members are expected to represent the well-being of the district as a whole aligns with the principle of collective accountability for social services ▪ Establishing Interim Guideline #5: Municipal Conflict of Interest Act (MCIA) in regulation aligns with the principle of creating transparent processes as MCIA provides clear direction regarding when the Act applies, what constitutes a conflict of interest, how a member shall provide notice of a conflict of interest, etc. ▪ A DSSAB Board Skills and Qualifications Guide that can be used in the selection of councillors, TWOMO’s and non-voting representatives aligns with the principle of clear roles and responsibilities as it clarifies what will be required of board members in their role and the skills that they will be required to develop as a member of the board

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Qualification and Duties of Board Members</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees</i> and <i>Interim Guideline #5: Municipal Conflict of Interest Act</i> is likely to: <ul style="list-style-type: none"> ○ have little impact from the perspective of municipal councillors and DSSAB board members as the content of these guidelines aligns with what is already described in the Municipal Act; and,

Recommendation	Evaluation
	<ul style="list-style-type: none"> ○ have some impact from the perspective of DSSAB staff and leadership as it will address concerns raised across consultations that the guidelines are not always followed as they are “interim” and clarifies for all parties that they are rules that must be followed by law. ▪ Creating a DSSAB Board Skills and Qualifications Guide would help municipalities, the province and DSSABs in describing the role and expectations of DSSAB board members and in selecting individuals with the right skills <p>Effort</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees</i> and <i>Interim Guideline #5: Municipal Conflict of Interest Act</i> would require regulation change ▪ Creating a DSSAB Board Skills and Qualifications Guide would require coordination and collaboration of DSSAB Chief Administrative Officers, board members, municipalities and the province (among others)

Summary of Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- Embedding *Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees* into regulation, will help to address the issue of municipal councillors not knowing whether they are supposed to represent the interests of the district, as a whole on the DSSAB board, or whether they are supposed to represent the interests of their individual municipalities. Complementing this with a discussion included in a board orientation package will clarify the role of DSSAB board members at the start of their term of office;
- Embedding *Interim Guideline #5: Municipal Conflict of Interest Act* into regulation will clarify that the Municipal Conflict of Interest Act does apply to DSSAB board members and TWOMOs when they sit on the DSSAB board. It will also provide greater clarity regarding what constitutes a conflict of interest for board members and under which scenarios one should disclose a conflict. Municipal councillors are also familiar with the *Municipal Conflict of Interest Act* in their role as councillors, creating consistency in the requirements of their roles as municipal councillors and DSSAB board members; and,
- Creating a skills and qualifications guide for municipal councils will better support municipal councils and prospective DSSAB board members in understanding the skills and knowledge that they will need to build in their role as a board member.

2. *Sub-Issue 2: Term Start Dates and Other Issues Related to Term Length*

Sub-Issue Discussion

Although there was differing perspectives, two broad issues were raised regarding greater clarity with respect to term start dates and other issues related to term length:

1. **Activities of board during transition period following election:** *Interim Guideline #9: Transition Period Following Election* describes the transition period following the Municipal Election and in particular the types of actions that “should not be taken after election day for new municipal council or TWOMO representatives and up to the first day of the term of the new board”. Although this includes specification that the new DSSAB board is not allowed to appoint or remove from office any current member of the board, there was a lack of clarity regarding whether existing board members can continue to play their role after election day and the activities they can continue to conduct during this time period. One potential solution is to align the DSSAB term of office (which commences on January 1) more closely with the municipal term of office (which commences on November 15²¹), however for municipalities that share a DSSAB board seat there is time needed to identify which municipality will appoint a member to the shared seat after the election.
2. **DSSAB board and chair term limits:** According to DSSAB regulation, the term of office of a board member shall not exceed four years. There is no specification in statute, regulation or guideline with respect to the minimum or maximum term of office for DSSAB board members. Clarity regarding whether municipalities that share a board seat are allowed to change the appointed board member within a term of office is needed. There is also a need for clarity regarding whether a DSSAB board member can serve multiple consecutive terms. Some indicated term limits are helpful as it provides opportunity for new councillors to bring a fresh perspective to the board, however others indicated continuity of board members is important as the role is complex and requires historical knowledge. The term limit of the chair is described in regulation as one year, where the chair may be re-appointed in consecutive years as long as they continue to be an elected official.
3. **Shared representation:** According to DSSAB regulation in Schedules 1 to 7, some municipalities in most DSSABs must elect one member to jointly represent the councils of more than one municipality. Clarity regarding the responsibilities and expectations of the elected DSSAB board member who represents multiple municipalities is needed. This relates in particular to how municipalities without direct representation bring forward information through their representative for the board’s consideration as well as when and how information is communicated back to the municipalities that do not have direct representation. Most participants from municipalities which share representatives on the

²¹ Until the Municipal Act amendments come into effect at which point the term of office will commence on December 1 and end on November 14.

board would prefer direct representation. All municipalities of CMSMs in the South have direct representation on the board. However if every municipality had direct representation on the board in the North this would create boards with up to 24 members (in the case of District of Timiskaming Social Services Administration Board). Best practices for board good governance indicates that a board should be made up of 8 to 10^{22, 23} board members.

Summary of Analysis

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in the South. The table below provides an overview of what is included in the Municipal Act with respect to the municipal term start dates and other issues related to term length.

Assessment of Municipal Act Regarding Term Start Dates and Other Issues Related to Term Length		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
<ul style="list-style-type: none"> Transition period following election (Misalignment of Term Start Date) 	<p>The Municipal Act section 275 describes the actions that cannot be taken during a transition period by a municipal council. Subsection 275 (1) indicates that if the municipal elections result in less than 75 per cent of the incumbent Council Members returning to Council, the new council is restricted from taking certain actions until the new board is in place. These actions are described in subsection 275 (3) and include for example the appointment or removal from office of any officer of the municipality; the hiring or dismissal of any employee of the municipality, etc. The actions described in subsection 275 (3) align with the actions that cannot be taken during a transition period that are described within the DSSAB Interim Guidelines (i.e., Interim Guideline #9: Transition Period Following Election).</p> <p>Subsection 275 (4.1) also indicates that nothing prevents a municipality from taking any action in the event of an emergency. Subsection 275 (6) also indicates that nothing</p>	<p>To align the DSSAB Act with section 275 of the Municipal Act the province should establish <i>Interim Guideline #9: Transition Period Following Election</i> in regulation.</p> <p>To align the DSSAB Act with subsections 196 (4) and (5) of the Municipal Act the province should establish in regulation that after election day the term of office of a member continues until his or her successor becomes a member of the board.</p>

²² Peter Dey. Where were the Directors? December 1994. Summary Report Accessed 22 January 2018 from: http://www.ecgi.org/codes/code.php?code_id=22

²³ Bugg, Grace and Sue Dallhoff. National Study of Board Governance Practices in the Non-Profit and Voluntary Sector in Canada: Executive Summary. 2016 pp. 15.

Assessment of Municipal Act Regarding Term Start Dates and Other Issues Related to Term Length		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	<p>prevents any person or body from exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council. This indicates that a municipal council may delegate certain powers of the municipal council during a transition period through by-law to for example the Chief Administrative Officer.²⁴</p> <p>The Municipal Act in subsections 196 (4) and (5) describe the term of office of a member of a municipal service board. Subsection 196 (4) indicates that the term of a municipal service board cannot exceed four years but members may be eligible for appointment for more than one term. It also states that despite subsection 196 (4), the term of office of a member continues until his or her successor becomes a member of the board.</p>	
<ul style="list-style-type: none"> ▪ DSSAB board and chair term limits 	<p>Section 235 of the Municipal Act describes the term of office of a member of an upper-tier council as four years. In particular the Act indicates that the minimum term of a “person” is four years.</p> <p>Section 236 describes the eligibility requirements of persons interested in running for office. There is nothing that precludes a Municipal Councillor from running for office in consecutive years. Best practices for provincial agencies outlined in the Agencies and Appointments Directive in terms of the maximum number of years that a board member of a regulatory or adjudicative agency should serve is ten years²⁵.</p> <p>The term of the head of council of an upper-tier member is described in subsection 218 (4)</p>	<p>To align the DSSAB Act with the Municipal Act the province should establish in regulation a minimum term for DSSAB Board members of four years with no maximum term.</p> <p>To align the DSSAB Act with the Municipal Act the province should repeal O.Reg. 278/98 Section 5: Chairs of Boards from regulation.</p>

²⁴ The Corporation of the Town of Cobourg. Staff Report: Restricted Acts of Council (Lame Duck Periods). <https://www.cobourginternet.com/images/2017/Bylaw-re-Lame-duck-period.pdf>

²⁵ Province of Ontario Management Board of Cabinet Directive. Agencies and Appointments Directive. Accessed 22 January 2018: <https://www.ontario.ca/page/agencies-and-appointments-directive#section-5>

Assessment of Municipal Act Regarding Term Start Dates and Other Issues Related to Term Length		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	and indicates that without limiting sections (9), (10) and (11) those sections authorize an upper-tier municipality to change the term of office of an appointed head of council so long as the new term does not extend beyond the term of council. This indicates that the upper-tier council has discretion over the term of office of the head of council as long as it does not exceed the term of council (i.e., 4 years).	
<ul style="list-style-type: none"> ▪ Shared Representation 	According to the Municipal Councillor's Guide Section 2: An Overview of Local Government, all municipalities that belong to a CMSM have a board seat. This is in contrast to the North where some municipalities share a board seat. ²⁶	Governance best practices for both the public and private sectors indicate that boards of directors should reach no more than 8-12 ^{27,28} members to operate effectively. Given that some DSSABs have upwards of twenty municipalities in their district it is not recommended that the DSSAB Act be aligned with the Municipal Act.

Based on the issues and analysis described above, the following recommendations have been developed:

Recommendations
<ol style="list-style-type: none"> 1. To improve clarity with respect to the activities of existing board members after the municipal election and before the new DSSAB board members' term of office commences, it is recommended that the requirements for decision-making during a transition period, as stated in <i>Interim Guideline #9: Transition Period Following Election</i> be explicitly stated in regulation. It is also recommended that the province establish in regulation that after election day the term of office of a member continues until his or her successor becomes a member of the board. 2. To improve clarity with respect to term minimum and maximum, it is recommended that the province clarify in regulation that board members are appointed for a minimum term

²⁶ Government of Ontario, Ministry of Municipal Affairs. Municipal Councillor's Guide – Section 2: An Overview of Local Government. Accessed 22 Jan 2018: <http://www.mah.gov.on.ca/Page8391.aspx>

²⁷ Peter Dey. Where were the Directors? December 1994. Summary Report Accessed 22 January 2018 from: http://www.ecgi.org/codes/code.php?code_id=22

²⁸ Bugg, Grace and Sue Dallhoff. National Study of Board Governance Practices in the Non-Profit and Voluntary Sector in Canada: Executive Summary. 2016 pp. 15.

Recommendations	
<p>of four years and may continue to serve consecutive terms of office as long as they continue to hold their position as a municipal councillor and continue to be appointed to the DSSAB board by their council. For consistency this recommendation would apply to TWOMO and non-elected board members.</p>	
<p>a. Although a minimum term may prevent municipalities that share a board seat from having direct representation on the board, over multiple terms of office, it will address the challenge of turnover within a term of office. Turnover within a term of office creates inconsistency and can make it challenging for the board to operate and govern effectively. It is however recommended that a minimum term be established, only if, the Province also adopts a guideline and structure that clarifies how municipalities that share a board seat are expected to communicate before and after board meetings (see recommendation #4 below).</p>	
<p>b. It is also recommended that the DSSAB Board Skills and Qualifications Guide include a discussion of best practices with respect to appointing board members for consecutive terms of office that reflects best practices applied to provincial adjudicative and regulatory agencies in the Agencies and Appointments Directive, which states that terms of appointment should be a maximum of ten years, in total.</p>	
<p>3. To provide for greater local control over the term length of the Chair, it is recommended that the requirement for appointment of the position of Chair annually be removed and replaced with the requirement for a local by-law that describes the term limit of the Chair.</p>	
<p>4. To provide greater clarity for municipalities that share a board seat regarding how to bring forward information through their representative as well as when and how information is communicated back to the municipalities, it is recommended that the province create a guideline for communication procedures and processes for municipalities that share a board seat. This guideline would specify that after election each municipality that will not have direct representation on the board for that term of office designate one municipal councillor as their DSSAB communications lead. The guideline would further specify that the appointed DSSAB board member for the shared region be responsible for communicating via teleconference with the other municipal DSSAB communications leads:</p>	
<p>a. In advance of DSSAB board meetings to review the agenda items and gather any information that the DSSAB communications leads would like the appointed member to bring forward to the board on their behalf; and,</p>	
<p>b. After DSSAB board meetings to review what was discussed at the meeting and the decisions that were agreed upon by the board.</p>	

Evaluation against Principles

Recommendation	Evaluation
Clarify Board Practices, Procedures	<ul style="list-style-type: none"> ▪ Establishing <i>Interim Guideline #9: Transition Period Following Election</i> as well as the requirement that a board member

Recommendation	Evaluation
<p>and Processes Regarding Term Start Dates and Other Issues Related to Term Length</p>	<p>continues to serve their role on the DSSAB board after election day until his or her successor becomes a member of the board in regulation aligns with the principles of clear roles and responsibilities and transparent processes as it clarifies when a board members role begins and ends and the types of decisions that can be made by the board after an election</p> <ul style="list-style-type: none"> ▪ Establishing in regulation the minimum term limit of a board member aligns with the principle of clear roles and responsibilities as municipalities, DSSAB leadership and the province will have greater clarity when electing a candidate as to how long that person will sit on the board ▪ No maximum term complemented by a discussion of best practices regarding serving consecutive terms on a board will guide municipalities, DSSAB leadership and the province in their selection of board members without contradicting the Municipal Act which does not preclude a person from serving consecutive terms of office as long as they continue to be elected by their constituents ▪ Removing the requirement of appointment of the Chair annually and replacing it with the requirement for a local by-law that describes the term limit of the Chair aligns with the principle of responsiveness to change by creating local flexibility to adjust the term length of the chair at a local level ▪ Creating a communication guideline for municipalities that share a board seat aligns with the principle of transparent processes by providing guidance to the municipalities on when and how to share information

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Term Start Dates and Other Issues Related to Term Length</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #9: Transition Period Following Election</i>, the minimum term of office of a board member (before and after election day) is likely to: <ul style="list-style-type: none"> – have little impact from the perspective of municipal councillors and DSSAB board members who have direct representation on the board as the content of the guideline and minimum term regulation aligns with what is already described in the Municipal Act; – have some impact from the perspective of municipal councillors and DSSAB board members who share a board seat as they will no longer be able to rotate the shared seat within a term of office; and, – have some impact from the perspective of DSSAB staff and leadership as it will address concerns raised about

Recommendation	Evaluation
	<p>turnover of board members within a term of office, as well as what decisions can be made after election day and who is responsible for governing these decisions</p> <ul style="list-style-type: none"> ▪ A guideline outlining best practices with respect to maximum term length and communication practices for municipalities that share a board seat will help to: <ul style="list-style-type: none"> – provide greater guidance to municipalities, DSSAB leadership and the province on important factors to consider when appointing a board member for a consecutive term; and, – alleviate the concerns of municipalities that share a board seat regarding how to bring forward information to the board through their appointee and how to learn about decisions made by the board ▪ Removal of the requirement for selecting a board chair annually from regulation will have little impact as each board can pass a by-law that meets the needs of the local district; those boards who would prefer to create a longer term for the board chair will now have the ability to do so <p>Effort</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #9: Transition Period Following Election</i>, the minimum term of office of a board member (before and after election day) and the removal from regulation of the term of office of the Chair would require regulation change ▪ Creating a DSSAB guideline outlining best practices with respect to maximum term length and communication practices for municipalities that share a board seat would require coordination and collaboration of DSSAB Chief Administrative Officers, board members, municipalities and the province (among others)

Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- Embedding *Interim Guideline #9: Transition Period Following Election* into regulation mirrors the limitations of what can be done during the “lame duck” period for municipal councils and it also provides a six week timeframe over which municipalities that share a board seat can discuss and appoint a new DSSAB board representative;
- Clarifying in regulation the minimum term limit of a DSSAB board member will provide greater continuity of perspectives over a term of office. Outlining best practices with respect to serving multiple consecutive terms of office will also support municipalities in appointing an appropriate DSSAB board member;

- Removing the term length of a DSSAB Board Chair provides greater local flexibility for DSSAB Boards to determine what works best in their region. Annual appointments of a Chair can also disrupt continuity of direction and decision-making; and,
- Creating clear and transparent processes and procedures that guide how municipalities who share a board seat communicate will alleviate concerns of a lack of transparency regarding board decisions from the perspective of municipalities who do not have direct representation.

3. Sub-Issue 3: Conduct of Board Meetings

Sub-Issue Discussion

Although there were differing perspectives across consultations, six broad issues were raised regarding greater clarity with respect to conduct of board meetings:

1. Code of Conduct;
 2. Virtual Attendance to DSSAB Board Meetings;
 3. Closed Meetings; and
 4. Audio/Video Recording and Live-Streaming Board Meetings.
1. **Code of Conduct:** DSSABs were founded on a principle of collective responsibility, however as service needs and related costs have increased, it has become difficult for board members in some DSSABs to adhere to the principle of collective responsibility. One of the ways collective responsibility can be managed is through a code of conduct for board members. However, no code of conduct exists in statute, regulation or the Interim Guidelines for DSSAB Board Members.
 - A recent review of the school board governance and accountability model recommended that the Minister of Education establish a minimum code of conduct for school board trustees. Regulation enhancements surrounding the requirement for school boards to set local codes of conduct are currently under consideration. Since this time, a good governance module²⁹ has been developed by the Ministry of Education which outlines the types of elements that should be included in a code of conduct for school board trustees:
 - Integrity and dignity of office;
 - Avoidance of personal advantage and conflict of interest;
 - Compliance with legislation;
 - Civil behavior;
 - Respect for confidentiality; and,
 - Upholding decisions.

²⁹ Ontario School of Trustees. Professional Development Program for School Board Trustees: Developing a Code of Conduct for Trustees. 2016: http://modules.ontarioschooltrustees.org/files/en_m17.pdf

Further to this, the Municipal Act indicates that “a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards” and that the Minister may make “regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct”³⁰.

2. **Virtual Attendance to DSSAB Board Meetings:** Given the vast distances that some DSSAB board members are required to travel to attend board meetings, it was suggested that board members be allowed to attend meetings virtually. There is however no direction in statute, regulation or the Interim DSSAB Governance and Accountability Guidelines for DSSABs indicating whether board members are allowed to attend meetings virtually. It was noted that a challenge of allowing members to attend meetings in this way may be that quorum issues could arise if there are disruptions to internet access. However, the new amendments to the Municipal Act indicate that every municipality and local board shall pass a procedure by-law governing the calling, place and proceedings of meetings which may provide that a member of council can participate virtually in a meeting which is open to the public. *Interim Guideline #3: Procedure By-Law*, provides guidance that DSSAB boards should create a local by-law on the calling of meetings, the place and proceedings of meetings, etc. It does not, however, indicate whether board members are allowed to attend meetings electronically.
3. **Closed Meetings:** *Interim Guideline #2: Closed Meetings* describes the circumstances under which a closed board meeting can be called, the subjects that can be discussed and the process for notifying board members that a closed meeting will be held. However, some participants of consultations were not aware of this and/or indicated that there needs to be greater controls put in place for reviewing whether closed meetings are being used appropriately. Furthermore, the Municipal Act provides municipal councillors with an investigation tool, allowing a person to request an investigation of whether a municipality or local board has complied with the elements described in the Act for a closed meeting.
4. **Audio/Video Recording and Live-Streaming Board Meetings:** It was recommended in some districts that there be consideration for video recording and/or live-streaming open meetings. There is no direction in statute or regulation regarding video recording and/or live-streaming of board meetings in the Municipal Act, however it appears that the Ombudsmen considers this a best practice to make open board meetings more accessible to the public³¹.

Summary of Analysis

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in Southern Ontario and the

³⁰ Municipal Act Section 223. <https://www.ontario.ca/laws/statute/01m25> **Note:** there does not appear to be regulations under the Municipal Act describing what should be included in a code of conduct.

³¹ Office of the Ombudsmen. OMLET Annual Report: 2011-2012 pp12-13: <http://www.ontla.on.ca/library/repository/ser/319911/2011-2012.pdf> AND OMLET Annual Report: 2012-13 pp.16-17: https://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution_1.pdf

City of Greater Sudbury. The table below provides an overview of what is included in the Municipal Act with respect to the conduct of board meetings for municipal councils.

Conduct of Board Meetings		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
<ul style="list-style-type: none"> ▪ Code of conduct 	<p>The Municipal Act in section 232.2 provides clear direction on establishing a code of conduct for municipal councils. Subsection 232.2 (1) indicates that without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct for members of the council of the municipality and of local boards of the municipality. As of March 1, 2019 section 232.2 (1) will be repealed and replaced with the following direction: a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards. This indicates that as of March 2019 municipal councils are now required to (“shall”) establish codes of conduct for their municipality and local boards.</p>	<p>To align the DSSAB Act with the Municipal Act the province should establish in regulation the requirement for DSSAB boards through by-law to establish a local code of conduct.</p>
<ul style="list-style-type: none"> ▪ Electronic attendance 	<p>The Municipal Act in section 238 describes the requirement for every municipality and local board to pass a procedure by-law governing the calling, place and proceedings of meetings. Subsection 238 (3.1) indicates that an electronic participation procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. Subsection 238 (3.2) indicates that the applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.</p>	<p>To align the DSSAB Act with the Municipal Act the province should establish in regulation that it is permissible for some DSSAB board members to attend open meetings electronically as long as they are not counted in determining whether or not a quorum of members is present at any point in time.</p>
<ul style="list-style-type: none"> ▪ Closed meetings 	<p>The Municipal Act in section 239 describes the content that shall be discussed in a closed meeting, the process for setting a closed meeting, and what kinds of decisions can be made during a closed meeting. The purposes for holding a closed meeting described in subsection</p>	<p>To align the DSSAB Act with the Municipal Act it is recommended that the province establish <i>Interim Guideline #2: Closed Meetings</i> in regulation.</p>

Conduct of Board Meetings		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	<p>239 (2) closely align to the purposes described in the DSSAB Interim Guidelines (i.e., Interim Guideline #2: Closed Meetings). Section 239.1 also describes the process for requesting a closed meeting investigation by an investigator or the Ombudsmen.</p>	
<ul style="list-style-type: none"> ▪ Audio/video recording and live-streaming board meetings 	<p>The Municipal Act in subsection 239 (7) and (8) describes the requirements for keeping a record of both open and closed board meetings. Subsection 239 (7) indicates that a municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.</p> <p>In the 2011-2012 OMLET Annual Report, the Ombudsmen indicated that over a four year time period he found “record-keeping to be one of the biggest impediments to quick and thorough investigations. There is no consistency in recordkeeping practices across the province – it varies from good to bad to non-existent, depending on the city, town or village.”³² As a result he recommended that “audio or video recording of council meetings should be routine – not just the open sessions, but the closed ones too. This would assist immeasurably in ensuring officials do not stray from the legal requirements once they retreat behind closed doors, and would provide a clear, accessible record for investigators to review.”³³ The Ombudsmen indicated that this practice is “in the interest of all of Ontario’s municipalities. It would demonstrate they are confident, they are following the rules, and would inspire community trust in the transparency and accountability of local government. It would also save time and resources for all of us.”³⁴ In the 2012-13 OMLET</p>	<p>To align the DSSAB Act with the Municipal Act the province should not require municipalities through regulation to audio/video record and live-stream board meetings.</p> <p>However, to align with best practices recommended for Municipal Councils by the Ombudsmen, the province should develop a guideline that encourages municipalities to audio/video record both open and closed meetings and live-stream open meetings to the public.</p>

³² Office of the Ombudsmen. OMLET Annual Report: 2011-2012 pp12-13: <http://www.ontla.on.ca/library/repository/ser/319911/2011-2012.pdf>

³³ Ibid.

³⁴ Ibid.

Conduct of Board Meetings		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	Annual Report the Ombudsmen included recording of all meetings as one of six best practices for closed meetings. In particular he indicated that “electronic recordings – audio or video – provide the most faithful, thorough record possible and serve the best interests of the public. Not only do they ensure that a complete and accurate record of the meeting is kept, they allow for expeditious investigation of closed meeting complaints.” ³⁵	

Based on the issues and analysis described above the following recommendation has been developed:

Recommendations
<ol style="list-style-type: none"> 1. To enable boards with the tools to set expectations regarding establishing rules for conduct of DSSAB board meetings, it is recommended that the province and NOSDA, in consultation with FONOM and NOMA develop the elements of a by-law that would go into regulation regarding a code of conduct for board members. The code of conduct could include the following elements³⁶: <ol style="list-style-type: none"> a. Act with integrity and with the obligation to maintain the well-being of the district; b. Attend and come prepared to participate in board meetings; c. Avoid personal advantage and conflict of interest; d. Respect others who may have differing opinions; e. Adhere to board policies; f. Respect confidentiality of information obtained in private and closed sessions of the board and of confidential information obtained in their capacity as members of the board; and, g. Uphold decisions made by the board, even if an individual board member does not agree with them. 2. To make board meetings more accessible to members across the North, it is recommended that <i>Interim Guideline #3: Procedure By-Law</i> be established in regulation and that a subsection be created specific to electronic attendance at open board meetings. It is also recommended that board members be permitted through regulation to attend open board meetings electronically in emergency situations as long as they are not counted in determining whether

³⁵ Office of the Ombudsmen. OMLET Annual Report: 2012-13 pp.16-17:
https://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution_1.pdf

³⁶ Ontario Ministry of Education. School Board Governance: A Focus on Achievement. Review Committee to the Minister of Education of Ontario. April 2009:
<http://www.edu.gov.on.ca/eng/policyfunding/grc/grcReview.pdf>

Recommendations

- or not a quorum of members is present at any point in time. This regulation should also specify that in a given year board members must attend a majority of sessions in person.
3. To clarify the circumstances under which a closed meeting can be held, it is recommended that requirements around closed meetings outlined in *Interim Guideline #2: Closed Meetings* be reviewed/updated in consultation with DSSABs, NOSDA, FONOM and NOMA and established in regulation. It is also recommended that in consultation with these groups, there also be consideration of including in regulation the closed meetings investigation process described in the *Municipal Act*.
 4. To align with direction provided by the Ombudsmen³⁷ with respect to video recording open and closed meetings and live streaming open board meetings to the public, it is recommended that this be included in a guideline for DSSAB boards, providing for local discretion over the approach preferred by the district.

Evaluation against Principles

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Conduct of Board Meetings</p>	<ul style="list-style-type: none"> ▪ Establishing the requirement for boards to develop a code of conduct in regulation aligns with the principle of clear roles and responsibilities as it sets expectations regarding the conduct of DSSAB leadership and board members during meetings; allowing boards to decide on the content of the code of conduct through by-law aligns with the principle of responsiveness to change by creating local flexibility for adjustments ▪ Establishing in regulation <i>Interim Guideline #3: Procedure By-Law</i> aligns with the principle of transparent processes by creating clear direction on the requirement for boards to set a local procedure by-law; allowing boards to decide on the content of the procedure by-law aligns with the principle of responsiveness to change by creating local flexibility for adjustments ▪ Establishing in regulation a procedure by-law permitting board members to attend open meetings electronically, in emergency situations, aligns with the principle of responsiveness to change both in adapting provincial regulation to changes in the technology sector and in allowing boards to decide on the content of the by-law by creating local flexibility for adjustments ▪ Establishing in regulation <i>Interim Guideline #2: Closed Meetings</i> aligns with the principle of transparent processes by addressing concerns raised during consultations regarding when closed board meetings can be called and creating a consistent process across the North for use of closed meetings ▪ Creating a guideline that encourages DSSAB boards to video record both open and closed meetings and livestream open meetings aligns with the principle of transparent processes by making open meetings more accessible to municipalities and the

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Recommendation	Evaluation
	public; including this in a guideline aligns with the principle of responsiveness to change by providing each board with local discretion over the preferred approach for record keeping

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Conduct of Board Meetings</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #3: Procedure By-Law</i> and <i>Interim Guideline #2: Closed Meetings</i> is likely to: <ul style="list-style-type: none"> – have little impact from the perspective of municipal councillors and DSSAB board members as the content of these guidelines aligns with what is already described in the Municipal Act; and, – have little impact from the perspective of DSSAB staff and leadership as the procedure by-law regulation maintains local control over the content of the by-law and all DSSAB Chief Administrative Officers indicated they already follow the guidelines outlined in the interim guidelines for closed meetings ▪ Establishing in regulation the requirement for DSSAB boards to set a code of conduct by-law and an electronic attendance procedure by-law is likely to: <ul style="list-style-type: none"> – have little impact from the perspective of municipal councillors and DSSAB board members as the Municipal Act already requires Municipal Councils to set local by-laws on both; and, – have some impact from the perspective of DSSAB staff and leadership as both regulations would be new concepts and would require Chief Administrative Officers to facilitate discussions with their boards on the content of a local code of conduct and procedure by-law for electronic attendance ▪ A guideline outlining best practices with respect to video recording both open and closed meetings and livestreaming open meetings is likely to put pressure on DSSABs to make board meetings more accessible to the public through livestreaming and video record, it is also likely to alleviate complaints from the perspective of municipalities regarding a lack of transparency with respect to how and what decisions are made during a DSSAB board meeting <p>Effort</p> <ul style="list-style-type: none"> ▪ Establishing in regulation <i>Interim Guideline #3: Procedure By-Law</i>, <i>Interim Guideline #2: Closed Meetings</i>, the requirement for a locally set code of conduct by-law and locally set electronic attendance by-law would require regulation change

Recommendation	Evaluation
	<ul style="list-style-type: none"> ▪ Creating a DSSAB guideline outlining best practices with respect to video recording open and closed meetings and livestreaming open meetings would require coordination and collaboration of DSSAB Chief Administrative Officers, board members, municipalities and the province (among others)

Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- A Code of Conduct will clarify in regulation the expectations of board members. It will ensure that board members understand that they must conduct themselves in board meetings in a way that represents the interest of the district as a whole, reinforcing the principle of collective accountability;
- A movement towards allowing electronic/virtual attendance provides greater flexibility in terms of a board member’s time and the costs associated with travelling to board meetings in Northern Ontario;
- Embedding *Interim Guideline #2: Closed Meetings* into regulation will clarify the process with respect to in-camera meetings and will improve transparency with respect to what is allowed/not allowed to be discussed in-camera; and,
- Video recording/live-streaming of board meetings has the potential to improve transparency regarding decisions made by the DSSAB board. It will also make open meetings more accessible to the public and align with the recommendations of the Ontario Ombudsman to municipal councils to create live recordings of open meetings, rather than relying on the usual note-taking approach done by a clerk.

4. Sub-Issue 4: Access to Financing and Related Financial Practices

Sub-Issue Discussion

Although there were differing perspectives, four broad issues were raised regarding greater clarity with respect to access to financing and related financial practices:

1. Ability to Borrow;
2. Ability to Estimate, Use and Hold Reserve Funds;
3. Ownership of Debt; and,
4. Budget Approval and Financial Disclosure.

1. **Ability to Borrow:** Although the DSSAB Act states that the DSSAB is a corporation and is able to borrow up to 25 per cent of the estimated current revenue of the board for the current year, there was a lack of clarity regarding whether DSSABs are able to borrow for operating expenditures. There is also a lack of clarity regarding the DSSABs’ ability to borrow for capital expenditures and whether or not the DSSAB is able to borrow through Infrastructure Ontario. Board members and municipalities had mixed perspectives on whether they would want the

DSSAB to be able to take on debt for either operating or capital expenditures. Some DSSABs have sought legal opinions to indicate that they are a corporation, and as such, are able to borrow through a bank; however, not all participants shared the same understanding, thus requiring clarity;

2. **Ability to Estimate, Use and Hold Reserve Funds:** Although the DSSAB Regulation states that DSSABs are able to estimate and apportion among the jurisdictions in its district for social services, and include a reserve for working funds up to 15 per cent of the total estimates of the board for that year, there was a lack of clarity regarding whether DSSABs are able to hold reserve funds and what they can be used for. The process by which reserve funds are held year over year is also unclear and when/how a DSSAB should return reserve funds to member municipalities;
3. **Ownership of Debt:** From the perspective of participants it was not clear who would assume ownership of DSSAB debt in the event that the DSSAB defaults on a short or long-term loan. It was not clear whether this debt would go to the municipalities; and,
4. **Budget Approval and Financial Disclosure:** *Interim Guideline #6: Audit Requirements* and *Interim Guideline #7: Financial Statements*, were generally accepted by DSSABs, boards and municipalities. Both guidelines also align with direction laid out in the Municipal Act. There was, however, a lack of clarity regarding financial disclosure of DSSAB financial statements. It was not clear what level of information should be shared with municipalities regarding DSSAB financial statements; some municipalities requested that DSSABs prepare simplified quarterly financial reports in layman’s terms to enable councils and administration to understand the DSSAB’s financial position and expenditures. Lastly, in an election year, it is also difficult for a new board to approve the DSSAB’s budget and financial statements as they are still learning their role.

Summary of Analysis

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in the South. The table below provides an overview of what is included in the Municipal Act with respect to access to financing and related financial practices for municipal councils.

Assessment of Municipal Act Regarding Access to Financing and Related Financial Practices		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
<ul style="list-style-type: none"> ▪ Ability to borrow 	<p>The Municipal Act section 401 indicates the conditions under which municipalities may take on debt. Subsection 401 (1) indicates that subject to this or any other Act, a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter</p>	<p>To align the DSSAB Act with the Municipal Act the province should further clarify in regulation the ability of DSSABs to take on debt for both capital and operating expenditures. This should include</p>

Assessment of Municipal Act Regarding Access to Financing and Related Financial Practices		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	<p>prescribed financial agreements for or in relation to the debt. Subsection 401 (2) describes the purposes for which a municipality may take on debt, which include:</p> <ul style="list-style-type: none"> ▪ in the case of an upper-tier municipality, the purposes or joint purposes of one or more of its lower-tier municipalities; ▪ the purposes of a school board if the school board exercises jurisdiction in all or part of the municipality and requires permanent improvements as defined in subsection 1 (1) of the Education Act; ▪ the purposes of one or more other municipalities if any Act authorizes or requires the municipalities to provide money for any purpose jointly. <p>Subsection 401 (3) indicates that lower-tier municipalities are not permitted to issue debentures. Subsection 401 (4) indicates that the Lieutenant Governor in Council may make regulations prescribing debt and financial obligation limits for municipalities. O.Reg 403/02 Debt and Financial Obligation Limits describes the annual debt and financial obligation limits of municipalities, including the calculation steps for determining this limit. O.Reg 276/02 Bank Loan describes the conditions under which a municipality may enter into a bank loan agreement.</p>	<p>clarification on similar rules as those described in the Municipal Act and regulations, such as who DSSABs can borrow from (e.g., banks, and Infrastructure Ontario) and who needs to approve borrowing decisions (e.g., a majority of municipalities, the municipality where the capital investment is being made).</p>
<ul style="list-style-type: none"> ▪ Use of reserve funds 	<p>The Municipal Act section 293 indicates that the Ministry may make regulations on reserve funds. This includes requiring a municipality to establish a reserve fund, requiring a municipality to make payments to that reserve fund, describing the conditions under which the municipality may borrow from the reserve fund (among other components). There is however no regulation with respect to reserve funds.</p> <p>The Municipal Act section 417 describes the conditions under which a municipality can establish a reserve fund. Subsection 417(1) indicates that municipalities have the</p>	<p>To align the DSSAB Act with the Municipal Act the province should further clarify in regulation the ability of DSSABs to hold and use reserve funds. For example, whether DSSABs are allowed to provide for Reserve Funds in annual budgets for any purpose for which it has the authority to spend money (e.g., land ambulance, Ontario Works, childcare</p>

Assessment of Municipal Act Regarding Access to Financing and Related Financial Practices		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	<p>authority to provide for Reserve Funds in annual budgets for any purpose for which it has the authority to spend money.</p> <p>The Municipal Act Subsection 417 (4) indicates that municipalities through by-law can spend the money raised for a reserve fund on a purpose other than that for which the fund was established.</p> <p>The Municipal Act under subsection 110 (10) also indicates that reserve funds may be established for renovating, repairing or maintaining facilities.</p>	<p>and housing) and/or whether Reserve Funds should be earmarked for a particular type of service vs whether they can be spent on another purpose if approved through by-law).</p>
<ul style="list-style-type: none"> ▪ Ownership of debt 	<p>As indicated the table above (with respect to ability to borrow) subsection 401 (4) indicates that the Lieutenant Governor in Council may make regulations that prescribe the debt and financial obligation limits for municipalities. O.Reg 403/02 Debt and Financial Obligation Limits describes the annual debt and financial obligation limits of municipalities, of which section 3 indicates that the province is responsible for calculating the debt limit which cannot exceed 25% of revenue funds.</p>	<p>To align the DSSAB Act with the Municipal Act the province should further clarify in regulation the maximum debt that a DSSAB can assume and who is responsible for paying back that debt in the event that a DSSAB defaults on a loan.</p>
<ul style="list-style-type: none"> ▪ Budget approval and financial disclosure 	<p>The Municipal Act Section 296 indicates that municipalities shall appoint an auditor licensed under the Public Accounting Act, 2004 who is responsible for annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and performing duties required by the municipality or local board. This somewhat aligns with <i>Interim Guideline #6: Audit Requirements</i> in that it requires DSSABs to appoint an auditor, however the guideline further specifies which municipality is responsible for appointing the auditor (namely the municipality that is responsible for the largest share of the operating costs of the DSSAB).</p>	<p>To align the DSSAB Act with the Municipal Act the province should establish <i>Interim Guideline #6: Audit Requirements</i> and <i>Interim Guideline #7: Financial Statements</i> in regulation. The province should also consider whether these guidelines need to be further adapted to better align with guidance provided in the Municipal Act with respect to audit requirements and financial disclosure.</p>

Assessment of Municipal Act Regarding Access to Financing and Related Financial Practices		
Elements Requiring Clarity	Municipal Act and Regulations	Analysis
	<p>The Municipal Act Section 294.1 indicates that a municipality shall, for each fiscal year, prepare annual financial statements for the municipality in accordance with generally accepted accounting principles for local governments. Section 295 indicates that within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality shall (i) publish in a newspaper having general circulation in the municipality, a copy of the audited financial statements, the notes to the financial statements, the auditor’s report and the tax rate information for the current and previous year as contained in the financial review or (ii) a notice that the information described in sub clause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request.</p> <p>This somewhat aligns with <i>Interim Guideline #7: Financial Statements</i> in that it requires the DSSAB to submit audited financial statements within 4 months of the DSSABs fiscal year end however the guideline does not specify whether DSSABs are required to post their financial statements publicly.</p>	

Based on the issues and analysis described above the following recommendations has been developed:

Recommendations
<ol style="list-style-type: none"> 1. To improve clarity regarding the ability of DSSABs to borrow, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation (or legislation if required) the DSSAB’s ability to borrow for both capital and operating expenses. This should include clarity on the DSSAB’s ability to borrow from Infrastructure Ontario. 2. To improve clarity on a DSSAB’s ability to hold reserve funds, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation the maximum reserve fund holdings for both capital and operating expenses. This should include clarity on the process for holding reserve funds year-over-year and when reserve funds should be returned to the municipalities.

Recommendations
<p>3. To improve clarity on the ownership of debt, it is recommended that the province, in consultation with NOSDA, FONOM and NOMA, establish in regulation who is responsible for assuming the ownership of debt in the event that a DSSAB defaulted on a loan.</p> <p>4. To improve clarity regarding auditing and financial statements, it is recommended that the province establish in regulation the requirements for financial statements as outlined in <i>Interim Guideline #6: Audit Requirements</i> and <i>Interim Guideline #7: Financial Statements</i>. It is also recommended that Interim Guideline #7 be updated to provide further direction on financial disclosure and public posting of financial statements and/or whether they should be shared directly with municipalities. The province and NOSDA in consultation with FONOM and NOMA should also consider whether the requirement for submission of financial statements and approval of the annual budget within four months of a DSSAB’s fiscal year end, be extended to 6 months in an election year. This would provide new board members with additional time to onboard and understand the DSSAB budgeting and financial statement approvals processes.</p>

Evaluation against Principles

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Access to Financing and Related Financial Practices</p>	<ul style="list-style-type: none"> ▪ Establishing in regulation: <ul style="list-style-type: none"> – the ability of DSSABs to borrow for capital and operating expenses; – the ability of DSSABs to hold and use reserve funds (including when/if funds should be returned to the municipalities); – ownership of debt in the event that a DSSAB defaults on a loan; and, – audit requirements (<i>Interim Guideline #6: Audit Requirements</i>) and disclosure and submission of financial statements (<i>Interim Guideline #7: Financial Statements</i>) <p>aligns with the principles of clear roles and responsibilities as well as transparent processes</p> ▪ Although the focus of the discussion with respect to financing was intended at the start of the consultation process to focus on access to financing, many other issues were consistently brought forward through consultation from all parties regarding financial related practices ▪ The updated regulations proposed in these regulations have the potential to create greater clarity and consistency regarding borrowing practices and financial disclosure which would alleviate concerns identified through the review process

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Access to Financing and Related Financial Practices</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ Establishing in regulation: <ul style="list-style-type: none"> – the ability of DSSABs to borrow for capital and operating expenses; – the ability of DSSABs to hold and use reserve funds (including when/if funds should be returned to the municipalities); – ownership of debt in the event that a DSSAB defaults on a loan; and, – audit requirements (<i>Interim Guideline #6: Audit Requirements</i>) and disclosure and submission of financial statements (<i>Interim Guideline #7: Financial Statements</i>) <p>is likely to have great impact from the perspective of municipalities, DSSAB board members and DSSAB leadership as it will help to clarify concerns consistently brought forward about a lack of clarity with respect to financial practices</p> <ul style="list-style-type: none"> ▪ Greater clarity with respect to borrowing for capital and operating expenses will support DSSABs in securing the required financial tools needed to operate while clarifying role of DSSAB board members in overseeing these decisions <p>Effort</p> <ul style="list-style-type: none"> ▪ Establishing in regulation access to financing and related financial practices would require regulation change ▪ Further coordination and collaboration with DSSAB Chief Administrative Officers, board members, municipalities and the province (among others) is needed on the financial related practice regulations described above

Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- Clarity on the ability of the DSSAB to borrow and access funds from Infrastructure Ontario will provide transparency among the DSSAB, board, municipalities, higher levels of government and financial institutions on the ability of a DSSAB to borrow. It will also provide a clear pathway forward for DSSABs on how they can access financing to maintain and expand their scope of services;
- Clarity on the ability of a DSSAB to estimate, apportion and hold reserve funds year over year will provide transparency among DSSAB boards and municipalities regarding what reserve funds can be used for and when they need to be returned to the municipalities;

- Clarity on who owns a DSSAB's debt if they were to default on a loan will improve access to financing and clarify which level of government and to what extent municipalities and/or the province would be responsible for paying back a DSSABs loan; and,
- Clarity regarding auditing and financial statement practices aligns with the province's overall mandate to move towards open government policies. Additional time for board members to approve a budget in an election year would reduce the burden on new members and provide a longer period of time over which they could learn about the budgeting and financial statement approvals processes.

5. Sub-Issue 5: Board Member Knowledge and Capacity

Sub-Issue Discussion

A common theme across consultation sessions was that DSSAB boards are complex corporate entities that deliver four distinct types of social services, each with their own rules and nuances. This requires new board members to develop an understanding of DSSAB-specific content associated with each type of service as well as practical good governance skills. Onboarding to the role of a DSSAB board member is a complex process with a steep learning curve and must happen rapidly to ensure DSSABs can continue to operate smoothly over time.

Each DSSAB has developed its own board orientation package and approach indicating that there may be a lack of consistency in terms of what information is provided and how it is provided across the districts. District-specific content and training approaches can be leveraged to foster a greater understanding about DSSABs across all boards, and there may be a provincial role in developing and implementing this.

Summary of Analysis

To analyze the options and develop a recommended approach, the review team looked to what is included in the Municipal Act, the governing statute for CMSMs in Southern Ontario and the City of Greater Sudbury. The Municipal Act provides limited direction regarding municipal orientation practices, procedures and processes. Subsection 239 (3.1) is the only section in the Municipal Act which references education and training for municipal councillors. This subsection states that a meeting can be considered closed if the purpose of the meeting is for educating or training the members. There are no regulations under the Municipal Act with respect to education or training for members of municipal council or local boards.

A recent review of the school board governance and accountability model³⁸ provided recommendations on the creation of a professional development and capacity building approach for the training and onboarding of school board trustees. Since this review was completed the Ministry of Education has built a comprehensive school board trustee professional development program in collaboration with the Ontario Public School Boards Association, the Ontario Catholic School Trustees Association, among others. The following is a list of categories and potential topics adapted from the school board governance and accountability review recommendations that could be included in a DSSAB board orientation package³⁹ :

<p>Legislative and Policy Framework</p> <ul style="list-style-type: none"> • Responsibilities of DSSABs and Administrators • The DSSAB Act, Regulation and Guidelines • Roles of board members, the chair, the DSSAB CAO and employees • Policies and funding models for: <ul style="list-style-type: none"> • Ontario Works • Housing • Land Ambulance (where applicable) • Childcare • Closed meetings and public access to information • Conflict of interest and the Municipal Conflict of Interest Act • Legal responsibilities and risks 	<p>Governance Practices</p> <ul style="list-style-type: none"> • Orientation to the DSSAB: governance model, specific mandate of board and related policies (e.g., organizational structure; code of conduct; board by-laws) • Chairs: duties of the Chair under the DSSAB Act or any other Act • Mentorship of new board members by experience board members • Effective hiring practices and performance management of the DSSAB CAO • Confidentiality • Processes in group dynamics: consensus building, problem solving, conflict resolution • Oversight of financial reporting • Effective use of technology • Conduct of meetings and rules of order/procedure used by the board • Board self-appraisal 	<p>Strategic Planning</p> <ul style="list-style-type: none"> • Planning for equitable and financial stable social service delivery • Policy development procedures; setting results and indicators • Capital planning • Equity and diversity • Budgets and budgeting process <p>Communications</p> <ul style="list-style-type: none"> • Communication policies and processes of the board • Effective communication strategies; protocols for teleconferencing and videoconferencing • Issues management
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Based on the issues and analysis described above the following recommendations has been developed:

Recommendations
<p>1. To improve clarity on good governance practices and knowledge of DSSAB social services among board members, it is recommended that the province and NOSDA, in consultation with FONOM and NOMA, develop a professional development approach for board members. This should provide a comprehensive overview of key content relevant to the role of a DSSAB board member, should use different communication channels (in-person, in-print and web-based) to target board members and be offered annually with the option for refresher courses.</p>

³⁸ Ministry of Education. School Board Governance: A Focus on Achievement. Review Committee to the Minister of Education of Ontario. April 2009:

<http://www.edu.gov.on.ca/eng/policyfunding/grc/grcReview.pdf>

³⁹ Ibid.

Recommendations
<p>2. To improve consistency of training and key messages, it is also recommended that elements of the professional development training approach relevant to all DSSABs be led by a neutral third party.</p> <p>3. To foster collaboration and knowledge sharing across the districts, it is recommended that periodic conferences and/or in-person training sessions be held for board members and DSSAB leadership. For example, one session could be held in the North East and one in the North West.</p>

Evaluation against Principles

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Board Member Knowledge and Capacity</p>	<ul style="list-style-type: none"> ▪ A comprehensive professional development approach, led by a neutral third party and delivered through periodic conferences and/or in-person training sessions aligns with the principles of clear roles and responsibilities and transparent processes as it would support DSSAB board members in developing the necessary background and context to be effective in their role

Evaluation of Implementation Considerations

Recommendation	Evaluation
<p>Clarify Board Practices, Procedures and Processes Regarding Board Member Knowledge and Capacity</p>	<p>Impact</p> <ul style="list-style-type: none"> ▪ The impact of a professional development approach would alleviate many of the concerns raised by all parties across consultations: <ul style="list-style-type: none"> – DSSAB leadership would be supported in providing consistent and comprehensive training to new board members – DSSAB board members would be supported in building knowledge of their role as a board member – Municipalities would have greater support in gaining answers to questions about the role and functioning of DSSABs <p>Effort</p> <ul style="list-style-type: none"> ▪ Would require no regulatory changes ▪ Would require significant effort on the part of the province as well as coordination and collaboration with the DSSABs, board members, municipalities (among others) to create a professional development approach

9.3.2 Summary of Accountability Recommendations

At a high level, the review team recommends that the DSSAB *Interim Governance and Accountability Guidelines for DSSABs (June 2006)* be established in regulation. In some cases,

there are recommendations that the guidelines be enhanced in collaboration with NOSDA, FONOM, NOMA as well as other ministry partners.

The diagram below provides an overview of the recommendations outlined in the accountability section. The recommendations are aligned to the appropriate board practice, procedure and/or process categories previously described, and the diagram specifies whether it is recommended that the province:

1. Develop a guideline which outlines the DSSAB board practice, procedure and/or process;
2. Establishes in regulation key components of a required by-law that must be set locally; or,
3. Establishes in regulation the specific board practices, procedures and/or processes.

Note: In follow-up to the review it is recommended that MCSS review the recommendations included throughout the accountability section with a legal expert.

Summary of Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- A provincial approach to professional development and training for DSSAB board members on DSSAB services and good governance practices will create consistency across the province in terms of how boards are oriented to their role. The ability to access this training in-person as well as online will provide opportunity for individuals who learn in different ways to select an approach that meets their needs; and,
- Annual conferences and/or training sessions that bring together DSSAB leadership, board members and chairs to collaborate and share best practices will foster accountability and knowledge about the DSSABs' role and functioning across Northern Ontario.

	The province develops a guideline which outlines the DSSAB board practice, procedure and/or process.	The province establishes in regulation key components of a required by-law that must be set locally.	The province establishes in regulation specific board practices, procedures and/or processes.
1. Qualification and Duties of Board Members	<ul style="list-style-type: none"> • Include a discussion in the DSSAB Board Orientation Package of the roles and responsibilities of the DSSAB Board, Chair, Director and Employees • Develop a DSSAB Board skills and qualifications guide for municipalities 		<ul style="list-style-type: none"> • Establish <i>Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees</i> in regulation • Establish <i>Interim Guideline #5: : Municipal Conflict of Interest Act</i> in regulation
2. Term Start Dates and Other Issues Related to Term Length	<ul style="list-style-type: none"> • Include a discussion in the DSSAB Board Orientation Package of the “pros and cons” of serving more than two consecutive terms 	<ul style="list-style-type: none"> • Remove DSSAB Chair term limit from regulation and allow each DSSAB to establish a term limit for their chair through local by-law 	<ul style="list-style-type: none"> • Establish <i>Interim Guideline #9: Transition Period Following Election</i> in regulation • Establish in regulation a minimum term length for board members of four years with no maximum
3. Conduct of Board Meetings	<ul style="list-style-type: none"> • Include in a guideline for DSSAB boards guidance from the Ombudsmen on video recording and/or living streaming open board meetings • Create a guideline for municipalities that share a board seat regarding the practices and processes for sharing information with municipalities who do not have direct representation in a given term of office 	<ul style="list-style-type: none"> • Establish the requirement for a Code of Conduct for Board Members set through local by-law • Establish the requirement for a <i>Procedure By-Law (Interim Guideline #3)</i> with requirement for DSSAB boards to set local direction on attending meetings electronically 	

	The province develops a guideline which outlines the DSSAB board practice, procedure and/or process.	The province establishes in regulation key components of a required by-law that must be set locally.	The province establishes in regulation specific board practices, procedures and/or processes.
4. Access to Financing and Related Financial Practices			<ul style="list-style-type: none"> • Establish in regulation the ability of DSSABs to borrow for both capital and operating expenses; this should include clarity on DSSABs ability to borrow from Infrastructure Ontario • Establish in regulation the maximum allowable reserve funds, what reserve funds can be used for and when funds should be returned to municipalities • Establish in regulation the process that would occur in the event that a DSSAB defaulted on a loan • Establish in regulation Interim Guideline #6: Audit Requirements and Interim Guideline #7: Financial Statements; update guideline #7 to provide further direction on financial disclosure and public posting • Establish in regulation the ability of DSSABs in an election year to submit financial statements/get board approval of the budget by June 1
5. Board Member Knowledge and Capacity	<ul style="list-style-type: none"> • Build a DSSAB Board Orientation Guide • Establish a Professional Development Program for DSSAB Board Members • Sponsor an annual conference and/or training session for DSSAB staff and boards 		

9.4 Evaluation of Measures to Improve Transparency and Accountability

This section of the report looks at how transparency and accountability can be improved by addressing issues related to:

- A lack of knowledge regarding the role and functioning of DSSABs across the public and municipal councils and administrations;
- Inconsistent communication practices across DSSABs, leading to varying levels of understanding and knowledge about decisions made by the DSSAB and the board across board members and municipalities; and,
- A lack of clarity regarding board practices, procedures and processes across five key areas, including: qualification and duties of board members; term start dates and other issues related to term length; conduct of board meetings; access to financing and related financial practices; and board member knowledge and capacity.

This section of the report provides a summary evaluation of how the recommendations align with the guiding principles for the review and will contribute to improved transparency and accountability.

9.4.1 Evaluation of Recommendations

To improve transparency and accountability, it is necessary that the province build knowledge of the role and functioning of DSSABs, improve communication practices, and clarify board practices, procedures and processes in a number of areas. The recommendations in **Section 9** of the report, as previously described, are designed to achieve this. These recommendations align to the guiding principles outlined for the DSSAB governance and accountability review in the following ways:


- **Clear roles and responsibilities:** To achieve clearer roles and responsibilities, it has been recommended that:
 - The province establish in regulation *Interim Guideline #1: Role of the DSSAB Board, Chair, Officers and Employees*, which articulates the roles and responsibilities of all parties;
 - That the province include a discussion of the role of DSSAB board members in representing the well-being of the district as a whole in a board orientation package; and,
 - That the province develop a comprehensive professional development and DSSAB board orientation/training approach to reinforce clarity surrounding the roles and responsibilities and accountabilities of DSSAB leadership and staff, board members and municipalities.

It is the view of the review team, based on research and consultation, that these recommendations will bring greater clarity to accountability relationships and will collectively enhance the roles and responsibilities of all parties, ensuring that they are well understood and accepted.

- **Transparent processes:** To establish transparent mechanisms for decision-making, it has been recommended that:
 - The province clarify board practices, procedures and processes in a number of key areas; for example, on the need for:
 - Specificity with respect to the decision-making process for DSSAB boards after an election;
 - The process for establishing and following a board code of conduct;
 - The process for accessing both operating and capital financing; and,
 - The process for collecting and using reserve funds.

It is the view of the review team that these recommendations will collectively create greater transparency with respect to board decision-making processes.

10 Recommendations to Review Government Oversight

 <p>Section: Recommendations to Review Government Oversight</p>	<p>Section Description</p> <p>In this section, the options and recommendations related to provincial government oversight of DSSABs are developed.</p>
	<p>Sub-Sections</p> <ol style="list-style-type: none"> 1. Overview of Review Government Oversight 2. Transfer Responsibility for DSSAB Oversight 3. Streamline Program Reporting 4. Create Legislative Clarity 5. Evaluation of Measures to Review Government Oversight

10.1 Overview of Review Government Oversight



Issues of government oversight of DSSABs were raised across the majority of consultation sessions, from the perspectives of staff, board members and municipal representatives. These issues can be broken down into three broad categories:

1. **Ministry oversight** – Provincial oversight of the delivery system for social services in the province is divided between MCSS (with respect to DSSABs in the North) and MMA (with respect to CMSMs in Southern Ontario and the City of Greater Sudbury) ;

2. **Program reporting requirements** – DSSABs and CMSMs are responsible for reporting to multiple ministries and data collection requests are complex, lack specificity regarding data reporting standards and must be adapted to different audiences (e.g., DSSAB staff, municipalities, boards, the general public and the government); and,
3. **Gaps in legislation** – DSSAB legislative requirements are scattered across numerous pieces of provincial legislation, making it challenging and confusing to determine which parts of which Acts apply.

This section will include a detailed analysis of the issues surrounding these three broad categories, and will propose recommendations and corresponding rationale.

10.2 Transfer Responsibility for DSSAB Oversight



Issue Summary

The DSSAB Act and oversight responsibilities for DSSABs fall primarily to the Ministry of Community and Social Services (MCSS). This reflects the historic origins of the DSSAB model, when six districts in Northern Ontario were served by District Welfare Administration Boards. It also reflects the fact that the Ontario Works program for which MCSS is the lead ministry is one of the core services delivered through DSSABs, but not the only one. Given that DSSABs are accountable to multiple ministries and have varying levels of funding from each, some stakeholders think that oversight of the DSSAB Act would better rest with another ministry that holds broader relationships with municipalities to help streamline provincial processes.

Considerations

Today, MCSS manages the day-to-day relationship between each DSSAB and the Ontario government. Ministry officials oversee the administration of the DSSAB Act and its regulations by

delivery partners, manage the policy framework and program funding for Ontario Works, approve the appointment of local Administrators and provide advice to the Minister on policy and operations.

The option of transferring oversight to from MCSS to MMA is a possible approach to changing oversight responsibilities. During the consultation, some participants suggested it may be appropriate to transfer oversight to MNDM. MNDM has no mandate, responsibility for or related expertise regarding the services provided by DSSABs therefore a transfer of oversight to that ministry was not considered to be a viable option.

Transfer oversight to MMA: the Ministry of Municipal Affairs (MMA) is more of a “governing ministry” whereas MCSS was seen as a “program delivery ministry”. Further, DSSABs oversee program delivery of land ambulance for the Ministry of Health and Long Term Care, child care for the Ministry of Education, and housing for the Ministry of Housing. As such, it was not clear to some why MCSS would be the overarching oversight body, when Ontario Works is only one of four services provided by the DSSAB. It was also noted that MMA already has the oversight responsibility for municipalities and the CMSM model in Southern Ontario and the City of Greater Sudbury, so their program familiarity coupled with their experience with municipal matters and existing relationships with municipalities may make them a strong fit for oversight of the DSSABs.

Options for Change

Differing views suggest that DSSABs should be overseen by either MCSS (status quo) or MMA.

1. **MCSS continues with responsibility for oversight of DSSABs:** In this option, MCSS would continue to have primary oversight responsibility for the DSSAB Act. MCSS leaders and program staff have built up expertise regarding the DSSAB model, have direct relationships with the key stakeholders and they are also responsible for one of the model’s core programs (Ontario Works). However, this ministry has limited view and authority in the other three mandated service areas, which receive varying amounts of funding. Therefore, this is not the recommended option.
2. **Oversight responsibility is transferred to MMA:** In this option, oversight responsibility would be transferred to MMA. MMA provides the primary oversight of CMSMs who deliver the same suite of services provided by DSSABs in the southern part of the province (and the City of Greater Sudbury). While DSSABs are different types of organizations than CMSMs, there may be advantages to have oversight of the organizations that provide similar services rest in one ministry rather than two. As well, MMA is the lead ministry responsible for the Municipal Act that establishes the governance and accountability framework for municipalities and holds the primary relationships with municipalities and municipal stakeholders across the province. This is the recommended option.

	Pros	Cons
Status Quo— MCSS Oversight	<ul style="list-style-type: none"> History and expertise in oversight of DSSABs currently rests in MCSS 	<ul style="list-style-type: none"> MCSS has program responsibility for OW and ODSP, but not the other programs delivered by DSSABs MCSS is primarily a program ministry and does not have a more general oversight function
Transfer Accountability to MMA	<ul style="list-style-type: none"> Consistent with the MMA role as an oversight ministry including oversight of CMSMs. Builds on relationships between MMA and municipalities which make up the DSSABs Would promote consistency between CMSMs and DSSABs where possible and appropriate 	<ul style="list-style-type: none"> History and expertise in DSSAB oversight does not currently reside in MMA

Evaluation:

Evaluation of Implementation Considerations

Option	Evaluation
Status Quo	<p>Impact:</p> <ul style="list-style-type: none"> Little impact as current oversight would not change May not be the favoured options by municipalities or some DSSABs <p>Effort:</p> <ul style="list-style-type: none"> No implementation effort
Transfer Accountability to MMA	<p>Impact:</p> <ul style="list-style-type: none"> Aligns DSSAB oversight with CMSM oversight Builds on existing relationships with MMA and municipalities which make up DSSABs Could allow MMA to play an integrative function across programs <p>Effort</p> <ul style="list-style-type: none"> There would be effort required to transfer expertise and knowledge about the DSSABs from MCSS to MMA A change to the DSSAB Act and possibly other legislation would be required

While expertise on DSSAB oversight now rests in MCSS and there would be some implementation effort associated with the transfer, on balance, MMA appears to be a better fit for the oversight function. The ministry has oversight of municipalities in general, including CMSMs in Southern Ontario (and the City of Greater Sudbury). Transfer of oversight could contribute to a more

consistent approach between Northern and Southern Ontario where it is possible and appropriate.

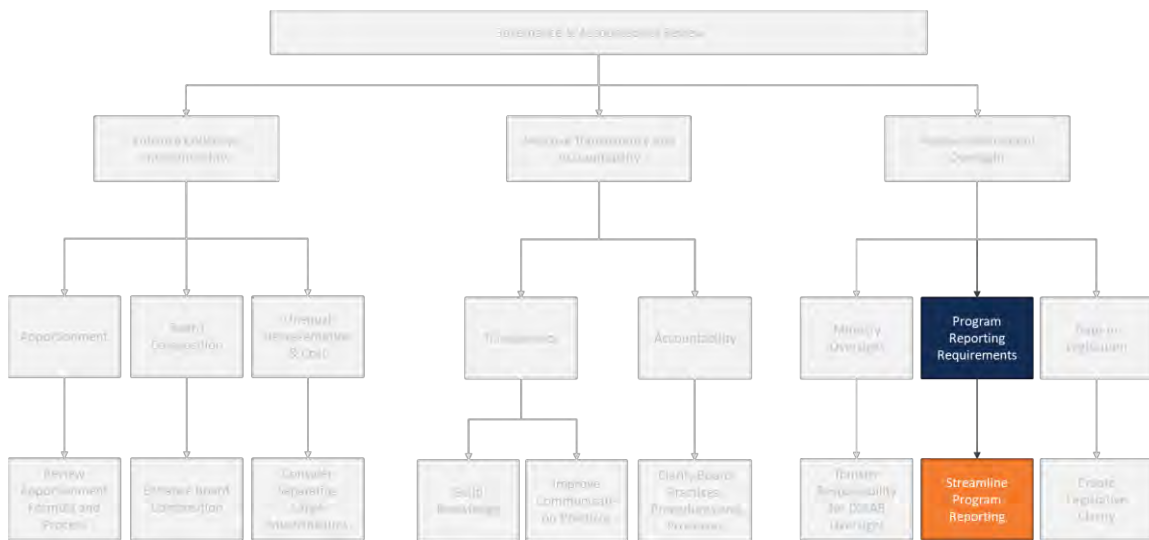
Recommendations
 It is recommended that primary responsibility for oversight of the DSSAB Act, as well as authority within the Act, and primary responsibility and oversight of the DSSAB model be moved to MMA as this approach is consistent with the current oversight approach for CMSMs in Southern Ontario and the City of Greater Sudbury.

Summary of Rationale for Recommendation

Support for this recommendation is provided through the following rationale:

- MMA already has the primary relationship with CMSMs and municipal stakeholders and is responsible for the Municipal Act. As appropriate, bringing the responsibility for DSSABs under MMA would enable greater alignment of DSSABs to CMSMs and related governance and accountability provisions of the Municipal Act as both models continue to evolve;
- MMA already has ongoing relationships with the municipalities in Northern Ontario and could build on these relationships to address issues of concern with respect to DSSABs.

10.3 Streamline Program Reporting



Issue Summary and Discussion

Although there were differing perspectives, three broad issues were raised regarding program reporting requirement issues:

1. **Variation in reporting standards across DSSABs:** Annual reporting on performance across different DSSABs varies where each DSSAB may report on different key performance indicators depending on what they are trying to emphasize, this in turn makes comparisons across DSSABs difficult;
2. **Complexity of adhering to reporting requirements set out by multiple ministries:** DSSABs, like CMSMs, are overseen and thus report on a program-by-program level to several ministries that are responsible for programs and related services delivered by each DSSAB. For example, DSSABs report to:
 - a. Ministry of Community and Social Services regarding program delivery of Ontario Works, ODSP and related programs;
 - b. Ministry of Education regarding program delivery of child care services;
 - c. Ministry of Housing regarding administration of housing programs; and
 - d. Ministry of Health and Long Term Care regarding land ambulance services.

Participants noted that each ministry requires different information at different time intervals and data elements lack a clear rationale and often have vague definitions. A lack of specificity regarding data element parameters suggests that different DSSABs may report data in different ways. Participants also noted that there is often limited follow-up and/or loop back with DSSABs regarding why the data is or was collected; and,

3. **Adapting data reports to target audience:** To meet the needs of its staff, municipalities, board members, the general public and the government, DSSABs must adapt data collected on programs and services to the appropriate target audience. This task is cumbersome and time consuming.

Recommendations

1. To support the goal of human services integration and streamline reporting requirements, it is recommended that MCSS, MOHLTC, EDU and MOH work together with NOSDA to implement streamlined funding and reporting arrangements with DSSABs, where applicable. This would include harmonizing reporting requirements, frequency and timelines across their service agreements with DSSABs. Such an arrangement could be phased in with one or two DSSABs identifying challenges and solutions, prior to roll out to all DSSABs.

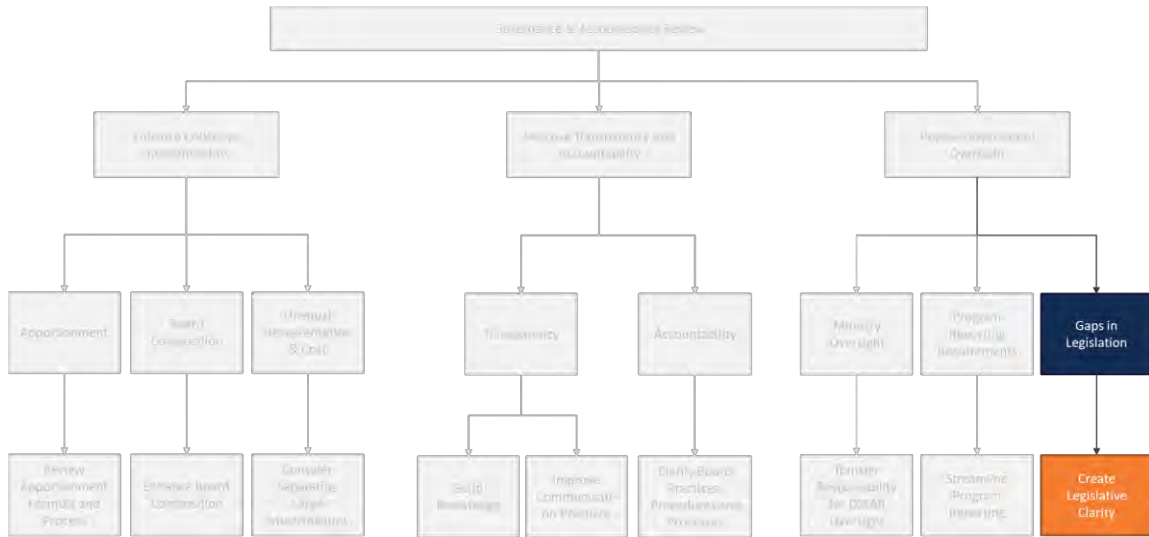
Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- Time spent by the above ministries coordinating performance reporting and other accountability requirements will significantly reduce effort to comply with multiple oversight ministries and reduce duplication of effort. This would also reduce

administrative overhead costs, thus providing better value for money in the administration of DSSAB services.

10.4 Create Legislative Clarity



Issue Summary and Discussion

DSSAB legislative requirements are scattered across numerous pieces of provincial legislation making it challenging and confusing to determine which parts of which Acts apply. DSSABs are mandated under the DSSAB Act and Ontario Regulations 278/98. The current DSSAB Act includes the following legislative provisions:

- Powers and duties of boards;
- Mandate to deliver Ontario Works and other services as specified in regulation; and,
- Borrowing for operational needs.

The current DSSAB Act also provides the following regulatory making authorities:

- The social assistance services to be provided by DSSABs;
- The composition of each board (incl. members at large), the manner of appointment of board members, the qualifications and term of office of each member and the areas they represent; and,
- A detailed formula for the apportionment of costs.

DSSABs are however affected by several other acts beyond the DSSAB Act itself. For example:

- Ambulance Act;
- Child Care and Early Years Act;
- Housing Services Act;
- Ontario Works Act;

- Municipal Act;
- Municipal Conflict of Interest Act;
- Accessibility for Ontarians with Disabilities Act; and,
- French Languages Services Act.

In some cases, the above listed acts may contradict each other. Under section 1 (2) of the DSSAB Act, it indicates that if the DSSAB Act or regulations conflicts with the Act or regulations of another Act or regulation, the provision in the other Act or regulation applies; session participants indicated it was not always clear when a discrepancy exists, which Act should take precedence. This has made it difficult for DSSAB administrators, board members and municipal representatives to have a consolidated view of which Acts apply to a DSSAB and under which circumstances. It also opens up the opportunity for misinterpretation.

Upon review of the DSSAB Act and Regulations and all Acts which are relevant to DSSABs, three key points of confusion were identified:

1. **Defining a DSSAB:** it is not clear how a DSSAB is defined under the various acts (i.e., as all or some of the following: “local board”, “government agency”, “service manager”, “corporation”);
2. **Identifying what acts and which portions apply:** there is a lack a clarity as to whether all, or parts, and which parts of the various acts listed above apply to DSSABs; and,
3. **Clarifying program and funding requirements:** there is inconsistency regarding program requirements and funding formulas provided under legislation and/or regulation for each of the following ‘service delivery’ acts:
 - Ambulance Act;
 - Child Care and Early Years Act;
 - Housing Services Act; and,
 - Ontario Works Act.

Options for Change

The desired outcome coming out of the DSSAB Accountability and Governance Review is for DSSABs to be clear on which aspects of all relevant statutes apply to a DSSAB. This gives rise to the three following options:

1. Do not alter the DSSAB Act or any other legislation that apply to DSSABs. Create an information document which clarifies connections and brings together all legislation that apply to DSSABs;
2. Revise the DSSAB Act to specify which Acts and Regulations apply to DSSABs and what portions of those acts apply; or,
3. Revise all legislation that applies to DSSABs to indicate which statute takes precedence and which portions of other Acts apply to the DSSAB Act. Create a supplemental information document that clarifies the connection points between the DSSAB Act and other Acts.

Considerations

The current situation where legislation pertaining to DSSABs is distributed across several pieces of legislation makes it difficult for DSSABs and municipalities to have a clear and comprehensive understanding of what applies to DSSABs. In the short term, it would be helpful to create an information document which specifies connections between all acts and regulations that apply to DSSABs. This would allow DSSABs to ensure that they are meeting all legislated requirements and adhering to all regulations that apply.

The DSSAB Act provides guidance on which acts take precedence if there is a conflict between different acts and regulations.

Interpretation, conflict with other Acts

(2) If there is a conflict between a provision of this Act or the regulations and a provision in another Act or regulation respecting a social service or if there is duplication in any such provisions, the provision in the other Act or regulation applies unless the regulations under this Act provide otherwise. 1997, c. 25, Sched. C, s. 1 (2)

Nevertheless, if the opportunity arise, it would be advantageous to resolve any conflicts in legislation and regulation to add greater clarity. This can be a longer term goal. A decision on whether to consolidate everything in one piece of legislation or simply revise multiple pieces of legislation for consistency will require legal advice and legislative drafting expertise. It will also depend on legislative priorities of government.

Recommendations

1. To improve clarity regarding gaps in legislation in the short-term it is recommended that the province create an information document which specifies connections between all acts and regulations that apply to DSSABs.
2. To provide greater clarity in the long-term, it is recommended that the government in collaboration with a legal expert consider legislative and regulatory amendments which resolve any inconsistencies across statutes and regulations that apply to the DSSABs. This would include assessing whether to amend all acts that apply to the DSSABs for consistency or to consolidate all acts that apply into one piece of legislation.

Rationale for Recommendations

Support for these recommendations is provided through the following rationale:

- An information document that defines overlap and connections between various pieces of legislation applicable to DSSABs will help in the immediate future to clarify confusion surrounding the DSSAB Act and Regulations; and,
- In the longer-term, legislative amendments which consolidate and clarify legislation related to DSSABs would enable DSSAB leadership and staff, board members and municipalities to better understand all of the legislative and regulatory provisions that govern DSSABs.

10.5 Evaluation of Measures to Review Government Oversight

This section of the report looks at how a review of government oversight can help to address issues related to:

- Inconsistency with respect to ministry oversight of DSSABs in the North and CMSMs in the South;
- DSSABs' requirement to report to multiple ministries and data collection/reporting requirements are not standardized; and,
- DSSAB legislative requirements being scattered across numerous pieces of provincial legislation making it challenging and confusing to determine which parts of which Acts apply.

This section of the report provides a summary evaluation of how the recommendations align with the guiding principles for the review and will address government oversight issues.

10.5.1 Evaluation of Recommendations

To create consistency with respect to ministry oversight, and address DSSAB reporting issues and gaps in legislation, it is necessary for the province to consider transferring responsibility for DSSABs to MMA, to streamline program reporting requirements and to create legislative clarity. The recommendations in **Section 10** of the report, as previously described, are designed to achieve this. These recommendations align to the guiding principles outlined for the DSSAB governance and accountability review in the following ways:

- **Clear roles and responsibilities:** To achieve clearer roles and responsibilities, it has been recommended that:
 - The province considers transferring oversight of DSSABs to MMA which oversees CMSMs in the south, understands the municipal sector, and has existing and ongoing relationships with municipal councillors; and,
 - The province clarifies gaps in legislation in the interim through an information document and in the longer-term through revisions to the DSSAB Act and Regulations.

It is the view of the review team, based on research and consultation, that these recommendations will create consistent accountability relationships across the province and through legislative and regulatory changes will collectively enhance the roles and responsibilities of all parties, ensuring that they are well understood and accepted.

- **Transparent processes:** To establish transparent mechanisms for decision-making, it has been recommended that:
 - The province streamline program reporting requirements to harmonize and coordinate DSSAB reporting expectations and promote integrated service delivery through a single government overseer.

It is the view of the review team that these recommendations will collectively create greater transparency with respect to DSSAB performance and reporting standards across the North.

Appendices

11 Appendix 1: Out-of-Scope Discussions

Sections 8, 9 and 10 of this report put forward several options and recommendations to address issues and opportunities related to enhancing collective responsibility (**Section 8: Recommendations to Enhance Collective Responsibility**), improving transparency and accountability (**Section 9: Recommendations to Improve Transparency and Accountability**), and revisiting government oversight of DSSABs (**Section 10: Recommendations to Review Government Oversight**). The recommendations in those sections focus on improvements to the existing DSSAB model.

In the course of the consultations, issues and ideas that would fundamentally change the existing DSSAB model were raised. These were out-of-scope of this review. However, the review team's commitment to all stakeholders consulted was that issues and ideas raised would be captured and reflected in this report. This appendix to the report identifies these out-of-scope issues and ideas which reflect minority views within the overall DSSAB community.

These out-of-scope issues and ideas have not been analyzed and are provided solely for the purpose of providing a complete picture of the perspectives that were shared.

We have grouped the out-of-scope issues by general themes:

1. Unique Northern Ontario Change Drivers
2. Provincial-Municipal Funding Roles; and,
3. Approach to Regional Governance.

11.1 Unique Northern Ontario Change Drivers

A number of comments from municipal participants in consultation sessions were grounded in some of the perceived unique realities surrounding service delivery in the North. Many of these are elaborated in Section 6.3: Characteristics of the North. Some participants felt a more wholesale change to the existing DSSAB model would be needed to address factors such as geographic barriers to regional collaboration in the North, the lack of formal regional municipal governance structures, and demographic and economic pressures affecting the abilities of communities in the North to support effective social services delivery.

11.2 Provincial-Municipal Funding Roles

11.2.1 Historical Context

Prior to the creation of DSSABs as part of Local Service Realignment, an Advisory Panel provided advice to government on “ways to eliminate duplication, over-regulation and blurred responsibility for the delivery of local and provincial services.” The Who Does What Advisory Panel produced a report in 1996 that made a clear distinction between “hard” services delivered to property (for example, road maintenance and sewers) and “soft” services delivered to people (for example, social assistance and education). Part of the panel’s rationale for this distinction came from a view that people are more mobile than property and that low-income areas have both the highest needs for “soft” services and the least ability to pay for them⁴⁰. Because of this, the panel generally recommended shifting responsibility for funding hard services to municipalities and soft services to the Province.⁴¹

However, the provincial government in the late 1990s also felt that Local Services Realignment should better involve municipalities in provincial social services delivery to bring a more intimate understanding of the service needs of their local regions and constituents to decision-making. Decisions to share the costs for social services delivery between the province and municipalities under today’s DSSAB model (and CMSM model in Southern Ontario) represented, at the time, a major shift in the roles of the province and municipalities to support these services.

In 2008, the provincial government, Association of Municipalities of Ontario and the City of Toronto prepared a report called, *Provincial-Municipal Fiscal and Service Delivery Review: Facing the Future Together* (PMFSDR).

The report authors described a shared vision that included that Ontario is:

- “...a province in which programs achieve successful outcomes for at-risk and vulnerable Ontarians”, and,
- “...a province where social assistance benefit programs are not funded through the property tax base.”⁴²

11.2.2 Current Context

Ten years after the PMFSDR, the province has shown significant responsiveness to the needs of municipalities. For example, today 100 percent of program and administrative costs for ODSP and

⁴⁰ Deber, Raisa B., Kris Millan, et al. Health Policy: A Cautionary Tale of Downloading Public Health in Ontario: What Does It Say about the Need for National Standards for More Than Doctors and Hospitals?. 2006 November; 2(2): 60–75.

⁴¹ Ibid.

⁴² Ibid.

ODB are funded by the province as are 100% of TWOMO costs. In addition, 100% of Ontario Works program and employment assistance costs are 100% provincially funded. In dollar terms, MCSS financial expenditures in support of Ontario Works for 2016-17 now amount to \$2.3 billion in financial assistance as well as \$204 million in employment assistance and \$201 million for Ontario Drug Benefits. In addition, the province's contribution to shared administrative costs for Ontario Works service delivery amounted to \$376 million. Further detailing of provincial contributions to support social services program delivery in DSSABs is provided in Section 5.1 of the report.

While these investments have significantly reduced the financial burden on municipalities for the delivery of social services programs across the province, some municipal representatives consulted still hold views that the remaining municipal contributions to programs delivered in the north through DSSABs remain a challenge. Today municipalities still contribute to DSSAB program costs such as land ambulance (50%), child care (20%) and Housing (mixed federal, provincial and municipal).

11.2.3 Out-of-Scope Issue Summary – Provincial-Municipal Funding Roles

The provincial-municipal cost sharing approach for funding for social services was out-of-scope for this review. Nevertheless, input from consultation suggests that the model of funding social services through property taxes may be one of the sources of stress in the current DSSAB model.

For example, the “Municipal Finance Officers’ of Ontario in Property Taxation in Ontario—A Guide for Municipalities” states: “A number of government services that are paid for from property taxes are unrelated to property. This is particularly prevalent in Ontario where the property tax is used to fund education and a wide range of social services.”⁴³ This point of view was raised in consultations as well.

Some municipal and other stakeholders consulted felt that more should be done to lessen the financial pressures on municipalities related to DSSAB expenditures. Ideas ranged from further uploading the cost of services (e.g., land ambulance), creating a “special circumstances” fund that municipalities could draw upon when there is a sudden change in financial health (e.g., economic downturn), or using an education tax model for social services with funding decisions managed by the Province.

⁴³ Municipal Finance Officers’ Association of Ontario. Property Taxation in Ontario: A Guide for Municipalities, Municipal Finance Officers’ Association of Ontario. Accessed 20 Dec 2017:

<https://www.mfoa.on.ca/MFOA/WebDocs/HEMSON%20-%20Property%20Tax%20Guide%20May%2012%202012.pdf>

11.3 Approach to Regional Governance

11.3.1 Historical Context

Decisions related to board composition for DSSABs date back to the creation of regulations under the current DSSAB Act (O.Reg 278/98). Schedules in regulation divide each DSSAB district into areas (some areas must rotate board seats between area municipalities) and set out the manner in which municipal councils appoint their representative. Each district's board composition approach is unique and were initially established through a prescribed formula that factored in representation by population, ratable property, and territories without municipal organization as set out in Sec. 11c in the DSSAB Act. In consultations, some districts indicated that the initial composition model had shifted over time and that current board representation does not necessarily align with the original intent set out in statute.

The province retains the ability to prescribe key characteristics of the board representation model for DSSABs. The Act provides broad regulation-making authority for the province to further elaborate on: board size, member qualifications, how the chair is appointed, and member terms of office among other things.

The DSSAB model envisions a statutory corporation effectively enabling an approach similar to that of upper-tier municipal governments to support regional collaboration among municipalities and TWOMOs to deliver shared services. The model does not confer the same status or direct electoral accountability that upper-tier municipal governments provide in Southern Ontario nor does it allow direct taxation for the services delivered. However, the model relies on elected municipal councillors to fulfill board governance and decision-making roles and responsibilities under the oversight of the province.

11.3.2 Current Context

The DSSAB approach to board governance has not changed since the inception of the model. There have been minor changes to board composition to reflect changes in population over time in some districts, and interim guidelines were developed to more closely align DSSAB practices to those of CMSM operating under the Municipal Act. Otherwise, the DSSAB model has been robust and has supported successful social services delivery in Northern Ontario for almost two decades.

The current board composition model was supported by many stakeholders during consultations. However, particularly within some specific districts, the current board composition structure has created challenges. These challenges can be more magnified in districts where larger municipalities have greater board representation and their votes have the ability to influence the outcome of board decisions on matters of cost apportionment. Another area where concern has been expressed is in districts where multiple smaller municipalities are divided into areas which

must share (through rotation) a single board seat meaning smaller municipalities do not always have a direct voice in board decision-making.

11.3.3 Out-of-Scope Issue Summary – Approach to Regional Governance

Municipalities under the current DSSAB model are important partners with the province who ensure through each DSSAB that provincial social services programs are effectively delivered across Northern Ontario. Because of this, elected municipal officials or elected TWOMO representatives perform all of the board governance oversight on each DSSAB board.

Some municipal stakeholders in our consultations suggested that powers given to DSSAB boards to determine the apportionment of costs for participating municipalities to recover through property taxes are less accountable to district constituents than under formal upper-tier municipal government arrangements in the South. This led some to suggest that alternate models such as the approach used by CMSMs in the South (councillors elected to both lower and upper-tier governments) and school boards (direct trustee election within a school district) provide greater accountability to constituents at a district level.

Others in consultations noted their experience working with Boards of Health and other governance bodies with a greater focus on skills-based board representation suggested there may be opportunities for the province or member municipalities to consider additional skills-based and community representation at the DSSAB board level to strengthen effective DSSAB decision-making and good governance practices. While some options and recommendations to enhance skills-based representation are in-scope for this review (see Section 8.3.2) these focus on non-voting board representatives. Out-of-scope feedback in this section of the report reflects views that non-municipal board representatives should have voting rights for board decisions, including decisions about cost apportionment and service delivery.

12 Appendix 2: Characteristics of Northern Ontario

There are several underlying characteristics of Northern Ontario that contribute to the issues that have been identified with respect to DSSABs, and particularly the risk that collective responsibility will break down within the current framework. These characteristics of Northern Ontario affect the delivery of service and drive the costs of service. They are factors which are external to the DSSABs specifically, but which have a significant impact on them.

12.1.1 Population

The population of Northern Ontario is sparse and spread out over a large area. This population is aging and not growing at a significant rate. Between 2011 and 2016, the population of Northern Ontario increased by 0.6%, from 775,178 in 2011 to 780,140 in 2016. Within this overall change, the rate of growth varies significantly with half of districts declining in population, and one district (Kenora) experiencing double digit growth. Overall, the population of Northern Ontario is projected to have a slight decrease of 2.1%, from 798,000 in 2015 to 781,000 by 2040. Within the North, the Northeast is projected to see the population decrease by 19,800, or 3.5 %, from 559,000 to 539,000. The Northwest is projected to experience slight population growth of 3,300 people, or 1.4 %, from 239,000 to 242,000⁴⁴.

Territorial Districts			
Region / District	Population 2011	Population 2016	Percentage Change 2011-2016
Northern Ontario	775,178	780,140	0.6
Northeast	551,144	548,449	-0.5
Northwest	224,034	231,691	3.4
Algoma	115,870	114,094	-1.5
Cochrane	81,112	79,682	-1.8
Kenora	57,607	65,533	13.8
Manitoulin	13,048	13,255	1.6
Nipissing	84,736	83,150	-1.9
Parry Sound	42,162	42,824	1.6
Rainy River	20,370	20,110	-1.3

⁴⁴ Ontario Ministry of Finance. Ontario's Long-Term Report on the Economy Chapter I: Demographic Trends and Projections. Ontario Ministry of Finance. Accessed November 27, 2017: <https://www.fin.gov.on.ca/en/economy/ltr/2017/ch1.html#s10>

Territorial Districts			
Region / District	Population 2011	Population 2016	Percentage Change 2011-2016
Sudbury⁴⁵	181,572	183,193	0.8
Thunder Bay	146,057	146,048	0
Timiskaming	32,634	32,251	-1.2

There are only five municipalities with population over 15,000 while the majority of municipalities are small, with the median population of all DSSAB municipalities at just over 1,000 people). There are also many territories without municipal organization (TWOMOs) which also have very small populations.

The number of people aged 65 and older in Northern Ontario has increased by approximately 20,000 between 2011 and 2016 (13.1%). The Northeast saw an increase of 14,000 persons aged 65+ between 2011 and 2016 (12.6%) while the Northwest saw an increase of approximately 6,000 people (14.4%). It is evident that between 2011 and 2016, the population of Northern Ontario has aged, while younger generations are reproducing at a lower rate. Individual Districts experienced increases in people age 65+ ranging from 24% and 45% between 2011 and 2016. Sudbury and Greater Sudbury experienced the highest increase of 45% followed by Manitoulin and Kenora which increased by 36% and 35% respectively. Timiskaming and Cochrane had the lowest increase at 24%.

Economic Regions and Ontario			
Region	65+ Population 2011	65+ Population 2016	Percentage Change 2011-2016
Northern Ontario	134,820	155,065	13.1%
Northeast	99,335	113,595	12.6%
Northwest	35,485	41,470	14.4%
Algoma	24,040	30,315	26%
Cochrane	12,310	15,215	24%
Kenora	7,605	10,250	35%
Manitoulin	2,665	3,635	36%
Nipissing	14,960	19,105	28%
Parry Sound	9,515	12,550	32%
Rainy River	3,525	4,470	27%
Sudbury*	26,565	38,480	45%
Thunder Bay	24,370	32,220	32%
Timiskaming	6,275	7,810	24%

⁴⁵*Note: includes Greater Sudbury district. Source: Statistics Canada, 2016 Census.

These population trends have several impacts on the DSSABs. It is difficult to provide services to population that is sparse and distributed over wide areas. The aging population also requires more and/or different services. Natural increase in the North as a whole is now negative. As a result, the population is aging faster in the North than in the rest of the province⁴⁶.

12.1.2 Geography

Services are delivered over large geographic regions. The total area of Northern Ontario that is served by the DSSABs is 393,220.25 square kilometres. Each of the ten districts is large, ranging in area from 141,770.41 square kilometres in Cochrane District to 223.6 square kilometres in Sault Ste. Marie.

The impact of the vast geography of Northern Ontario, combined with a widely dispersed and sparse population on service delivery is significant. Services must be delivered over a wide area which is seen to increase cost of service delivery (e.g. land ambulance has to travel long distances, increases cost per call). The geography and dispersed population also has an impact on access to service because it is not always practical to provide service to small municipalities. For example, it is often not possible to provide a daycare centre in a small community because there are only a few children and their families in need of the service.

12.1.3 Economic Trends

Overall decline in economy in some sectors and regions, including resource industries. The challenges related to service delivery and cost of service delivery arising from the vast geography and sparse and dispersed population are compounded by recent economic trends in Northern Ontario:

Over the past few years there has been a modest increase in Northern Ontario's GDP. With the exception of Timmins, marginal economic growth is forecast for the economies of the major cities.

- Mining sector is expected to benefit from new/expanded operations, while forestry is currently in a period of relative stability.
 - Ontario has 10 major mining projects planned or under construction over the next ten years representing a \$5.5 billion investment. The top four largest Ontario projects are located in the North.
- Labour force in the North is up 0.5% since 2015 (374,400) and employment in the North is up 0.6% since 2015 (347,700). Service sectors accounted for 77.8% of total

⁴⁶ Ontario Ministry of Finance. Ontario's Long-Term Report on the Economy Chapter I: Demographic Trends and Projections. Ontario Ministry of Finance. Accessed November 27, 2017: <https://www.fin.gov.on.ca/en/economy/ltr/2017/ch1.html#s10>.

employment in 2016. Health care and social assistance were the largest sectors in both the Northeast and Northwest.

- Current unemployment is 7.1% in the North compared to 7.2 % in 2015 and 7.7% in 2011, which is higher than Ontario's 6.5% in 2016.
- Colleges play an important role in increasing skills availability. In 2016, the percentage of Northern Ontario's adult labour force with a university degree was lower than the Ontario average.⁴⁷

As a result of the current economic landscape, some municipalities are experiencing a decline in their municipal tax base, with respect to both commercial and residential assessment. In addition, reduced economic activity may result in retroactive re-assessments for municipalities. They may face a claw-back of their municipal tax revenue from previous years, but have no ability to recover payments to the DSSAB which were based on the original assessment.

This economic reality in Northern Ontario has an impact on the ability of municipalities to meet their financial obligations to the DSSABs while at the same time meeting other obligations such as contributions to police services, health units and the provision of municipal services. The pressures that municipalities are experiencing in meeting their financial obligations in turn give rise to concerns about representation on the DSSAB boards and how the payment of the municipal portion of DSSAB costs are apportioned among municipalities.

12.1.4 Municipal Structure and Limited District Planning

No upper tier municipalities and limited planning at a district level. There are no upper tier municipalities in Northern Ontario. As a result, the approach to service delivery that is used in Southern Ontario where the CMSMs are part of the municipal structure, is not possible in Northern Ontario. As there are no upper tier municipalities with direct taxing authority in Northern Ontario, the cost of carrying the municipal portion of DSSAB costs rest with the individual municipalities.

Another aspect of the structure in Northern Ontario is that there is limited planning on a district level. The DSSABs are standalone boards which have only the function of delivery of mandated social services. They have little ability to impact other aspects of planning within a district which may result in gaps in service, lack of coordination between health and social services, and other aspects of municipal planning. This limited district-wide planning significantly limits the ability of DSSABs to respond to pressing issues in their districts.

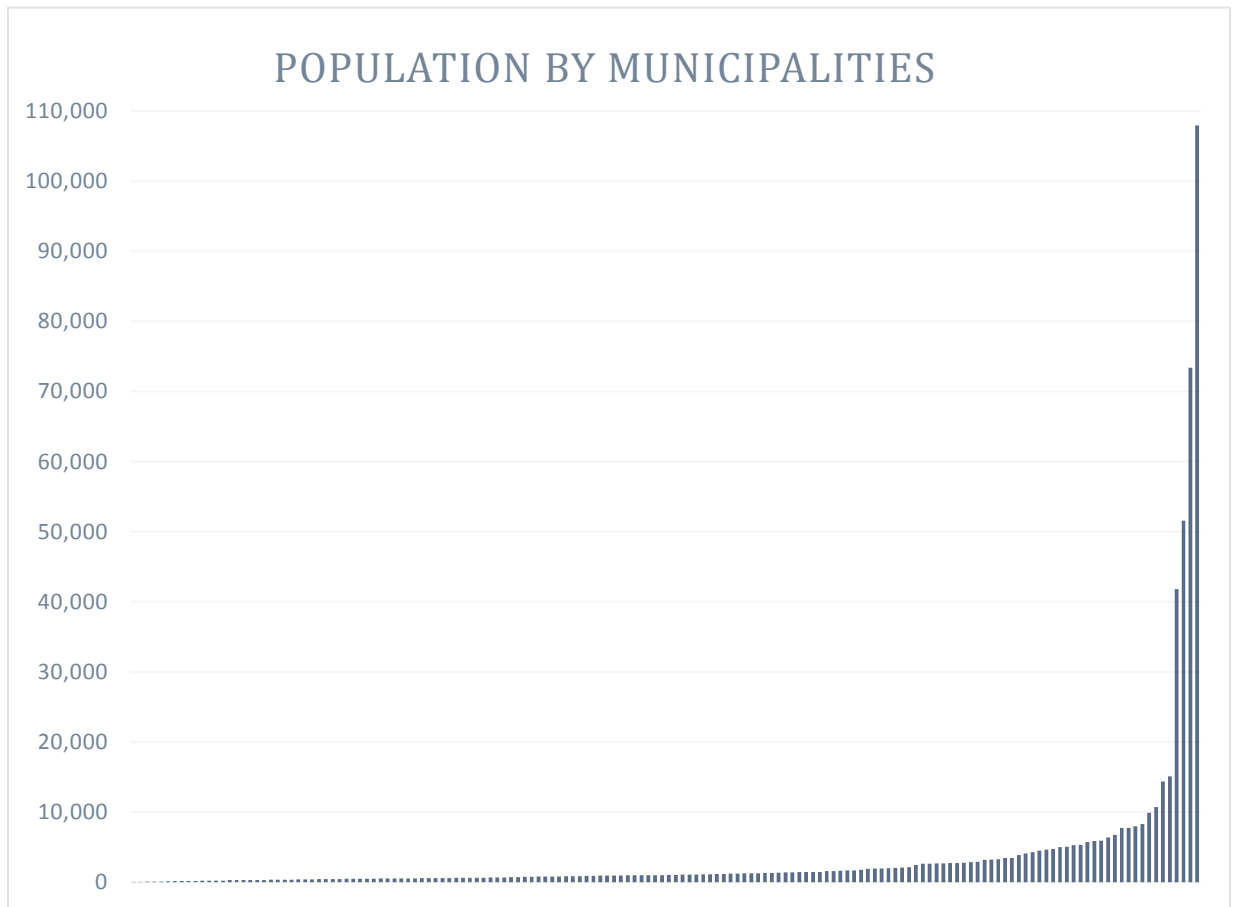
⁴⁷ Information provided to the project team by the Ministry of Northern Development and Mines

12.1.5 Unequal Size of Municipalities

Excluding unorganized territories, there are 143 municipalities in Northern Ontario. Size distribution of Northern Ontario is as follows:

- 70 municipalities and unorganized territories are under 1000,
- 34 municipalities and unorganized territories are between 1,000 and 1,999,
- 31 municipalities and unorganized territories are between 2,000 and 10,000, and
- 7 municipalities and unorganized territories are above 10,000.

There was no data available for the Cockburn Island municipality.

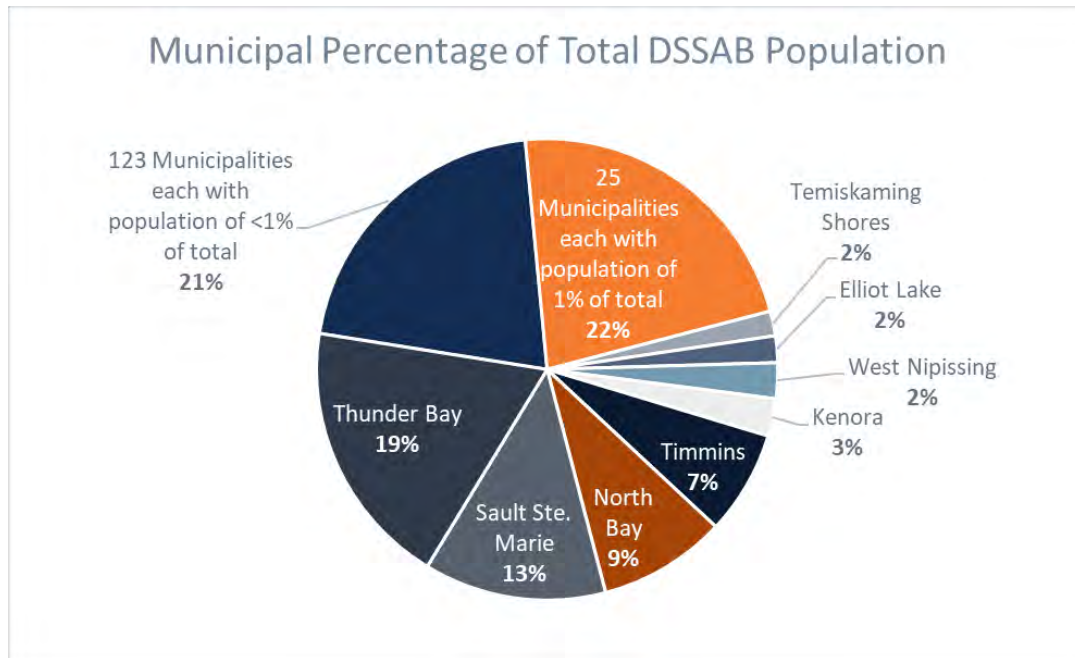


The graph incorporates municipalities that seem to be population outliers in comparison to the other municipalities, including:

DSSAB	Municipality	Population
Nipissing	West Nipissing	14,364
Kenora	Kenora	15,096
Cochrane	Timmins	41,788

DSSAB	Municipality	Population
Nipissing	North Bay	51,553
Sault Ste. Marie	Sault Ste. Marie	73,368
Thunder Bay	Thunder Bay	107,909

The same data can be seen in the following graph on a percentage of total DSSAB population.



The range of size of municipalities creates some issues for the DSSABs. For example, the size of municipalities creates differential use of services, access to services and has a major impact on the portion of the DSSAB levy which each municipality pays. The size of the municipality also impacts board composition, with large municipalities sometimes having sufficient seats to have an effective veto or at least significant influence over decisions. On the other end of the scale, many smaller municipalities share a representative on the board and may feel that they do not have a strong voice at the table or a clear understanding of DSSAB decisions and the impact on their municipality.

13 Appendix 3: Consultation Participation

In September and October 2017, 31 consultation sessions were held with participants across Northern Ontario. In each DSSAB, 3 sessions were held, one for each of DSSAB Board, Municipal Representatives, and DSSAB Staff. The DSSABs are:

1. Algoma
2. Cochrane
3. Kenora
4. Manitoulin-Sudbury
5. Nipissing
6. Parry Sound
7. Rainy River
8. Sault Ste. Marie
9. Thunder Bay
10. Timiskaming

A consultation was also held with District of Kenora Unincorporated Areas RatePayers Association (DoKURA).

The following table indicates how many participants attended each session.

	DSSAB Staff	DSSAB Board	Municipal Representatives	Municipalities Represented
Algoma	5	7	15	10/20
Cochrane	5	11	20	12/13
Kenora	7	9	12	8/9
Manitoulin-Sudbury	9	10	24	14/18
Nipissing	8	13	8	5/11
Parry Sound	6	14	17	12/22
Rainy River	9	11	13	8/10
Sault Ste. Marie	7	6	5	2/2
Thunder Bay	8	8	25	14/15
Timiskaming	6	4	15	9/23

In addition to the above consultations, information was also gathered through interviews with each of the 10 DSSAB CAOs and 5 groups of Ontario ministry experts, including those in the Ministry of Community and Social Services, Ministry of Municipal Affairs, Ministry of Health and Long-Term Care, and Ministry of Education.

14 Appendix 4: Interim Governance and Accountability Guidelines for DSSABs

These guidelines from 2006 clarify and confirm governance and accountability requirements for DSSABs. The guidelines represent the minimum governance and accountability provisions that shall be in place for each DSSAB. These guidelines do not require legislative or regulatory amendments for implementation.

Guideline	Description
GUIDELINE #1: ROLE OF THE DSSAB BOARD, CHAIR, OFFICERS AND EMPLOYEES	<p>The Role of the DSSAB board is to provide overall governance responsibility in order to be accountable for and to carry out the duties of the board, including:</p> <ul style="list-style-type: none"> ▪ to represent the public and to consider the well-being and interests of all of the member municipalities and Territories Without Municipal Organization (TWOMOs); ▪ to develop and abide by the policies and programs of the board; ▪ to determine which services the board provides; ▪ to ensure that administrative practices and procedures are in place to implement the decisions of the board; ▪ to maintain the financial integrity of the board; ▪ to carry out the duties of the board under the District Social Services Administration Boards Act, the Ontario Works Act 1997, the Day Nurseries, Child Care and Early Years Act, the Social Housing Reform Act, 2000, the Municipal Act, 2001 and the related Regulations or any other Act as required, and including the legislation of the Ministry of Health and Long-Term Care where applicable ▪ designating a spokesperson, when required, regarding the actions and plans of the board; ▪ to ensure open communication channels with provincial government ministries, specifically MCSS, MMAH and MOHLTC through fostering positive working relationships. <p>The Role of the Chair is:</p> <ul style="list-style-type: none"> ▪ to carry out the duties of the Chair under the DSSAB Act or any other Act; and, ▪ to preside over board meetings. <p>Members of the board who are appointed as chairs may be re-appointed as chairs the next year.</p> <p>The role of the officers and employees of the DSSAB is:</p> <ul style="list-style-type: none"> ▪ to implement the board’s decisions and establish administrative practices and procedures to carry out the board’s decisions; ▪ to undertake research and provide advice to the board on the policies and programs of the board; and,

Guideline	Description
GUIDELINE #2: CLOSED MEETINGS	<ul style="list-style-type: none"> ▪ to carry out other duties required under the DSSAB Act or any Act and other duties assigned by the board. <p>DSSABs may only hold a closed meeting if the matter relates to:</p> <ul style="list-style-type: none"> ▪ the security of the property of the board; ▪ personal matters about an identifiable individual, including employees of the board; ▪ a proposed or pending acquisition or disposition of land by the board; ▪ labour relations or employee negotiations; ▪ litigation or potential litigation, including matters before administrative tribunals, affecting the board; ▪ advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, ▪ a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. <p>DSSABs must hold a closed meeting if the matter relates to:</p> <ul style="list-style-type: none"> ▪ the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the board is the head of an institution for the purposes of that Act. <p>Before holding a closed meeting, or part of a meeting which is closed, the DSSAB shall state by resolution, the fact of the holding of the closed meeting, and the general nature of the matter to be considered at the closed meeting.</p>
GUIDELINE #3: PROCEDURE BY- LAW	<p>A procedure by-law governing the calling of meetings, place and proceedings of meetings shall be adopted. The procedure by-law should set out the decision-making structure for the Board, for example, whether there will be a committee system, the role of staff within the decision-making structure, and/or how the public would provide input. The Board may choose a model that it decides is most appropriate.</p>
GUIDELINE #4: NOTICE POLICY	<p>A notice policy shall be adopted in which the board gives notice in a form and in a manner and at the times that the board considers adequate to give reasonable notice for each of those matters.</p> <p>At a minimum, the following matters shall be covered by the notice policy:</p> <ul style="list-style-type: none"> ▪ before adopting or amending all or part of the budget; ▪ before enacting or amending its procedure by-law; ▪ before adopting or amending its notice policy; and, ▪ before establishing or amending any fee or charge.
GUIDELINE #5: MUNICIPAL CONFLICT OF INTEREST ACT	<p>The Municipal Conflict of Interest Act applies to all members of a DSSAB board, including the members representing Territories Without Municipal Organization. The Act imposes a statutory duty on members to declare pecuniary interests, direct or indirect, and refrain from participating and voting on any matter in which they have a pecuniary interest. It also prohibits influencing others before, during or after the meeting. Members should refer to the Municipal Conflict of Interest Act and should obtain legal advice if they have any questions about these provisions.</p>

Guideline	Description
GUIDELINE #6: AUDIT REQUIREMENTS	<p>The accounts and transactions of DSSABs are to be audited by an auditor of the municipality that is responsible for the largest share of the operating costs of the DSSAB, unless the board decides otherwise.</p> <p>In the event that the board determines not to use the auditor of the largest municipality, an appropriate tendering process is to be followed (i.e., in the year prior to the audit year in question).</p>
GUIDELINE #7: FINANCIAL STATEMENTS	<p>Audited financial statements are prepared in accordance with Public Sector Accounting Board (PSAB) recommendations.</p> <p>In accordance with the terms of the Service Contract, Reconciliation Report and Audited Financial Statements are submitted within 4 months of the DSSAB's fiscal year end.</p>
GUIDELINE #8: TWOMO ELECTION ADMINISTRATION	<p>DSSABs are responsible for administering the TWOMO election. However DSSABs may contract out administration to a third party. DSSABs would be responsible for the costs of administering the election.</p> <p>Subject to approval by municipal council, the clerk of a member municipality may be appointed the DSSAB election clerk. The clerk of the largest municipality may be in the best position to oversee the DSSAB election. However, there may be a better choice of municipality for a particular board. For example, an adjacent municipality may be more appropriate to take on the role.</p>
GUIDELINE #9: TRANSITION PERIOD FOLLOWING ELECTION	<p>Any action described below should not be taken after election day for new municipal council or TWOMO representatives and up to the first day of the term of the new board:</p> <ul style="list-style-type: none"> ▪ appointment or removal from office of any member of the board; ▪ hiring or dismissal of any employee of the board; ▪ disposition of any real or personal property of the DSSAB which had a value exceeding \$50,000 when it was acquired by the DSSAB (unless the disposition was included in the most recent budget adopted by the DSSAB before nomination day); and, ▪ making any expenditures or incurring any other liability which exceeds \$50,000 (unless the liability was included in the most recent budget adopted by the DSSAB before nomination day), excluding normal day to day business expenditures e.g. Ontario Works.
GUIDELINE #10: FILLING A TWOMO MEMBER VACANCY	<p>DSSABs may appoint a new member to fill a vacancy of a TWOMO member according to the following criteria:</p> <ul style="list-style-type: none"> ▪ the person is qualified to be elected as a representative of a TWOMO; ▪ has consented to accept the office if appointed; ▪ if more than one person is nominated to fill a vacancy, the board votes to determine which person shall fill it; ▪ a person who receives more than half the votes shall fill the vacancy; ▪ if no person receives more than half the votes, another vote is taken which excludes the person who received fewest votes in the previous vote; and,

Guideline	Description
	<ul style="list-style-type: none"><li data-bbox="500 275 1424 340">▪ if two or more persons received fewest votes, the person to be excluded is chosen by lot.

15 Appendix 5: Discussion Guides

In advance of consultation sessions with the municipal, board and staff of each DSSAB, OPTIMUS | SBR provided participants with a discussion guide which provided an overview of the following:

1. Purpose of the consultation;
2. Approach;
3. Goals;
4. Governance and Accountability Overview;
 - a. DSSAB Legislative Governance and Accountability Frameworks;
 - b. Local Governance & Accountability, and General Best Practices;
5. Agenda for the Session;
6. Discussion Topics (see list below of the six discussion topics); and,
7. Conclusion.

The table below provides an overview of the discussion question topics that were discussed at the sessions.

Discussion Topic	Question	Municipal	Board	Staff
Accountability and Transparency	1a. How could the current DSSAB governance and accountability framework better enable the principles of accountability and transparency?	✓	✓	✓
	1b. What are the shortcomings of the current framework, if any?	✓	✓	✓
	1c. How effective is the current DSSAB governance and accountability framework in promoting equitable and sustainable access to high-quality social services?	✓	✓	✓
	1d. How could it be improved?	✓	✓	✓
	1e. Do municipalities have a clear and consistent understanding of the roles and responsibilities of the DSSABs?	✓	✓	✓
	1f. Are there tools or approaches that should be considered to increase knowledge?	✓	✓	✓
	1g. Do current DSSAB processes allow for flexibility to quickly respond to new requirements? Why or why not?	✓	✓	✓

Discussion Topic	Question	Municipal	Board	Staff
	1h. How could transparency about a board's financial decisions be improved?	✓	✓	✓
Board Composition	2a. What are the strengths of the current approach to Board composition?	✓	✓	✓
	2b. What are the weaknesses of the current approach to Board composition?	✓	✓	✓
	2c. Is there a better way to constitute Boards?	✓	✓	✓
	2d. How does the board help balance/support members to assume their role as a board member versus their role as a municipal councillor?	✓	✓	✓
Term Start Date	3a. Should the board term dates more closely align with the municipal council terms?	✓	✓	✓
	3b. Are there other changes that could be implemented to mitigate the challenges resulting from the misaligned term start dates if the current transition period were retained?	✓	✓	✓
Access to Financing	4a. What is necessary to support clarity and create a common understanding of the ability of DSSABs to borrow?	✓	✓	✓
	4b. Are there supports and/or resources that government can provide to help with this challenge?	✓	✓	✓
	4c. Are there government-created barriers to borrowing that could be reconsidered?	✓	✓	✓
Apportionment	5a. What are the strengths of the current approach to apportionment?	✓	✓	✗
	5b. What are the weaknesses of the current approach to apportionment?	✓	✓	✗
	5c. What should be the underlying principles for apportionment of costs among municipalities?	✓	✓	✗
	5d. Should there be a single, mandated Northern Ontario-wide approach?	✓	✓	✗
	5e. Should there be a different process (i.e., other than the current double majority vote) for establishing an alternative apportionment formula (to the current or a different default formula)? If so,	✓	✓	✗

Discussion Topic	Question	Municipal	Board	Staff
	what are your suggestions for changing the process?			
	5f. How should disputes related to apportionment be resolved?	✓	✓	x
	5g. How would you suggest that transparency with respect to spending be increased for the DSSABs for municipalities?	✓	✓	x
Other Governance and Accountability Issues	6a. What are other strengths, weaknesses, challenges and opportunities to enhance the governance and accountability framework for DSSABs?	✓	✓	✓
	6b. What are key success factors to consider in terms of implementing changes to the governance and accountability framework (e.g. timing, sequencing, communication)?	✓	✓	✓