

Ontario Works Ministry of Community and Social Services

July 2006

QUESTIONS AND ANSWERS

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

GENERAL QUESTIONS

- 1. The government conducted consultations with DSSABs on governance and accountability issues in 2003 and 2004. What is the government doing to address the issues and feedback from the consultations?**

The ministry is releasing a set of Interim Guidelines in June 2006 which address the key issues raised during the consultations that do not require legislative amendments to implement.

The ministry is working with DSSAB working group members from the Provincial-Municipal Social Services Consultation Group on DSSAB governance and accountability issues. The working group also includes members of Ministry of Municipal Affairs and Housing and Ministry of Northern Development and Mines, who also participated in the consultation process.

- 2. Why are the DSSAB guidelines called 'Interim'?**

The Guidelines are intended to address the issues raised by DSSABs during the consultations and will be in place until the work on DSSAB issues is complete and final decisions are made regarding governance and accountability for DSSABs.

- 3. Do the Interim Guidelines reflect the feedback from DSSABs on the Draft Governance and Accountability Guidelines circulated in 2004?**

Yes. The Interim Guidelines reflect the feedback received from DSSABs and have been slightly modified from the draft version circulated in 2004 in order to incorporate the feedback to the extent possible.

- 4. Why are Interim Guidelines being issued instead of legislation to address the DSSAB concerns?**

The Guidelines represent the Ministry's governance and accountability requirements for DSSABs. The requirements are based on the provisions in the DSSAB Act, regulations and ministry policy, together with the provisions in the Municipal Act, 2001 and other legislation affecting municipalities and/or local boards and their council and board members, as applicable to DSSABs. The matters addressed in the Interim Guidelines do not require legislative amendment for implementation. Matters that cannot be addressed in the

Guidelines because they would require legislative or regulatory amendments are under review by the ministry.

TECHNICAL QUESTIONS

- 5. During the consultation process there was a draft guideline requiring double majority consent for reversion to the apportionment formula in the Regulation. Why is that guideline not reflected in the final Interim Guidelines?**

The first part of the draft guideline on double majority consent duplicated what is already in the DSSAB Regulation so it was removed from the guideline. The second part requiring double majority consent for reversion to the apportionment formula in the Regulation (was determined not to be required) so it also was removed from the final Interim Guidelines.

- 6. Why is the guideline on French Language Services not in the final package?**

Requirements for provision of services in French are provided for in the designations under the *French Language Services Act*. Some DSSABs have been designated under the Act to provide services in French. If DSSABs have service contracts requiring delivery of services in French, they must abide by the terms of the contract. The existing legislation and contracts were deemed to be sufficient and the guideline was not included in the final Interim Guidelines package.

- 7. The Interim Guideline #4: Notice Policy is not specific about what constitutes amending the budget for notice purposes. Can the DSSAB board determine what matters merit notice?**

The guideline is based, in part, on the notice requirements for municipalities that are thought to be relevant for DSSABs. The list reflects minimum requirements only and is not comprehensive. DSSABs will, no doubt, have other matters for which notice is provided that are not included on the list. The DSSAB board has the discretion to determine the form, manner and type of notice for all matters. DSSABs may determine the definition of a budget amendment for notice purposes.

- 8. Does the policy on conflict of interest in Guideline #5 apply to employees of DSSABs? What about TWOMO members?**

The conflict of interest policy reflected in Guideline #5 applies to all members of DSSABs, i.e., all members of the DSSAB Board. This would include the TWOMO members and would not include employees. DSSABs may develop their own conflict of interest policy for members within the parameters of the legislation.

- 9. Can you clarify whether the tendering process for an auditor, as outlined in Guideline #6, would exclude the auditor of the largest municipality from bidding? If the largest share of DSSAB costs is represented by a TWOMO, not a municipality, what process is followed?**

The tendering process referred to in Guideline #6 to secure an auditor must be a fair, open and transparent procurement process and shall not exclude any auditors from bidding.

In the event a TWOMO represents the largest share of the costs of the DSSAB, not a municipality, the Guideline would still apply. The board could decide to follow a tendering process for an auditor as per the Guideline.

10. Can DSSABs be given more time, e.g, 6 months following fiscal year end, to submit their audited financial statements to the ministry?

The ministry requires 4 months for submission of audited financial statements from all delivery agents, e.g., CMSMs and DSSABs.

11. If a DSSAB is not able to administer the TWOMO election in 2006, what arrangements can be made?

DSSABs may contract with a third party to administer the TWOMO elections. This can include a contract with a municipality, as clarified in Interim Guideline #8. Municipal clerks have expertise in administering elections processes. Municipal council would need to approve appointment of the clerk as the DSSAB Election Clerk. The costs incurred by the member municipality for the conduct of the DSSAB election is the responsibility of the DSSAB. Up to \$15,000 will be available to each DSSAB to cover election administration-related costs.

12. The Ministry of Municipal Affairs and Housing has changed the term of office for municipal councillors from 3 years to 4 years. Will the term of office for DSSAB board members also be increased to 4 years?

The ministry is aware of the change to the term of office for municipal council and is examining the impact on DSSABs and the DSSAB regulation.

13. What happens during the transition period between election day and the first day of the term of office for the new DSSAB board, January 1?

Transition period activities for the board have been clarified by Interim Guideline #9. Until the new board is appointed and convened, the previous board continues to function and carry on normal day to day business activities, within the parameters outlined in Guideline #9.

14. Some of the concerns raised by DSSABs during the consultations were not addressed in the Interim Guidelines. When and how will these issues be addressed?

During the consultations, a number of concerns/issues were raised that would require legislative and/or regulatory amendments in order to be addressed. These issues include: increased investment and borrowing powers; increased number of consecutive terms for chairs of boards; use of long-distance meetings; harmonization of TWOMO candidate and elector qualifications with *Municipal Act, 2001*; use of alternate board members; and increased status of DSSABs under *Municipal Act, 2001*.

The ministry is working with MMAH and MNM to address the issues raised during the consultations that cannot be addressed with a Guideline.