

Martin, Carrie

From: AMO Communications [<mailto:communicate@amo.on.ca>]
Sent: Tuesday, February 09, 2016 8:09 PM
To: Emmerson, Wayne
Subject: Request for council resolutions to support AMO/LAS request for broader municipal investment powers

To the attention of the Head of Council and Council:

The Association of Municipalities of Ontario and LAS ask for your council's support of the attached resolution which asks for the province to change the current Municipal Act investment regulation to allow municipalities to invest consistent with the 'Prudent Investor Standard', if such investments are through the One Investment Program.

The province has recently conferred 'Prudent Investor' status on the City of Toronto to enable them to have greater diversification in portfolio management and asset selection, and we strongly believe that other Ontario municipalities should be granted similar investment powers if their investments are managed through professional investment management options, such as the One Investment Program.

AMO, LAS, and the Municipal Finance Officers Association of Ontario (MFOA) have lobbied the Ministry of Municipal Affairs and Housing for broader investment powers for more than 4 years, with the issue now being considered as part of the Municipal Act review. We however want this change to be made sooner than the completion of the Municipal Act review, and to achieve this we ask for your support of this resolution.

If you have any questions about our request or the attached resolution, please contact Jason Hagan, LAS Program Manager, at jhagan@amo.on.ca or 416-971-9856 x320.

If you have problems opening the attachment(s) please call LAS at (416) 971-9856.

DISCLAIMER: Any documents attached are final versions. LAS assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

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Sample resolution for municipal councils related to broader investment powers

WHEREAS municipalities are required to invest their reserves in accordance with the Municipal Act, 2001 and Ontario Regulation 438/97 (as amended), which specifically outlines allowable investments;

and WHEREAS to ensure the sustainability and sound stewardship of the municipality's investments, the municipality is of the opinion that changes should be made to the Municipal Act, 2001 and Ontario Regulation 438/97 (as amended), to allow for the prudent investment of reserves, if those investments are professionally managed and part of a broader investment strategy;

and WHEREAS the Prudent Investor Standard is an industry accepted best practice in effectively managing a portfolio of investments, and the Standard applies to investments, not in isolation, but in the context of the portfolio of investments and as part of an overall strategy, that should incorporate acceptable risk and return objectives suitable to the stakeholders;

and WHEREAS the Province is conferring "Prudent Investor" status on the City of Toronto to enable greater diversification in portfolio management,

and WHEREAS the Association of Municipalities of Ontario (AMO), Local Authority Services (LAS), and the Municipal Finance Officers Association of Ontario (MFOA), have long requested that the Prudent Investor Standard apply to all municipal investments that are invested with The One Investment Program;

and WHEREAS in 2005, municipalities were granted the ability to invest in longer-term corporate bonds and Canadian equity investments via only the One Investment Program, and the One Investment Program has demonstrated strong investment returns for municipalities within these 'new' investment sectors;

and WHEREAS the institutional portfolio managers utilized by the One Investment Program recommend that the Prudent Investor Standard approach is a more appropriate approach to investing;

and WHEREAS operating municipal investments under the Prudent Investor Standard is precluded by the Municipal Act, Eligible Investments, in its current form;

THEREFORE BE IT RESOLVED THAT Council support the request of AMO, LAS, and MFOA to amend Ontario Regulation 438/97 (as amended) of the Municipal Act, 2001, to allow municipalities to invest consistent with the Prudent Investor Standard, if such investments are through the One Investment Program.

It is unfortunate that in Ontario we need to legislate what constitutes a meeting, but the current conflicting approaches cannot continue and a reasonable definition, one that has support in jurisprudence should be incorporated in the Act.

3. Apply prudent investment standard to One Investment Program, which would enable this pooled investment authority to provide its participants with greater diversification. It would provide for the management of funds based on return potential and risk rather than the “legal list” approach of the statute. A legal list cannot keep pace with evolving investment markets.

The One Investment Program has a solid track record, with a very active oversight Board and accountability to its participants. It needs to move from the “legal list” to letting professional investment managers manage portfolios according to the market. Prudent investment status would allow the municipal governments to better utilize investments as a source of revenue. Additional revenue would help municipal budgets and related capital financing plans.

AMO and its Local Authority Services subsidiary, and the Municipal Finance Officers Association of Ontario have managed this pooled investment plan with solid rates of return for 15 years. We have provided vast amounts of documented evidence over the years as we have pursued this change. Our current understanding is that the Ministry is contemplating giving the City of Toronto prudent investment status. There is no barrier to the City participating in the One Investment Program. If other large municipalities are designated as such and the One Investment Program does not receive the status, we will not be able to compete and the pooled program will erode, resulting in higher fees with fewer investment options. AMO chooses to believe that the province would not take any action that would undermine the investment program and three important municipal organizations.

4. There are also several changes that would lend clarity and further modernize the Act.
 - Develop a provision to clearly provide parental leave for Mayors and Councillors by cross-referencing the parental leave legislation. This should be done in such a manner that parental leave does not require authorization from Council under the *Municipal Act*, and that it does not constitute an absence from meetings of Section 259 (1).
 - Permit a council to establish a policy, if it chooses, on when participation at its meetings, committee and local board meetings, including accessibility advisory committee meetings might be conducted by using telephone or video conferencing. Section 40(7) of the *Northern Services Board Act* permits meetings by tele-conference, video-conference or other means of distance communication.