



Motion Memorandum

SUBJECT: Improving Local Democracy by Strengthening City Decision-Making

TO: Mayor and Members of Council

FROM: Councillor Rory Nisan, Ward 3, Councillor Kelvin Galbraith, Ward 1, Councillor Shawna Stolte, Ward 4

Date to Committee: N/A

Date to Council: March 19, 2024

Motion for Council to Consider:

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.5 of the Municipal Act, with respect to the City Manager; and

That Council request the Mayor to delegate to the City Manager the powers and duties assigned to the head of council under Section 284.6 of the Municipal Act, with respect to:

- a. determining the organizational structure of the municipality; and
- b. hiring, dismissing, or exercising any other prescribed employment powers with respect to any division or the head of any other part of the organizational structure;

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.7 of the Municipal Act, with respect to prescribed local boards or local boards within a prescribed class of local boards; and

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.8 of the Municipal Act, with respect to prescribed committees or committees within a prescribed class of committees; and

That the Executive Director of Legal Services and Corporation Counsel for the City of Burlington be directed to consult with external legal counsel on the current state of any legal challenges to strong mayor power in Ontario and whether a legal challenge would have any chance of success.

Reason:

The Mayor has been clear that she does not intend to use the Strong Mayor powers, stating in an interview for InHalton that what municipalities actually need are “strong city powers,” adding that those can then be exercised by the majority of one’s council, building consensus.

The motion solidifies this commitment, enshrining our commitment to local democracy and the principle of majority rule. The delegation of these powers is consistent with best practices for corporate boards, where majority rule exists.

The co-movers are bringing this motion now because a recent article in the Metroland chain of newspapers has noted that numerous municipalities have already delegated many of these powers (https://www.simcoe.com/news/council/how-are-ontario-s-strong-mayors-flexing-the-new-powers-that-the-ford-government-granted/article_8a1f90aa-cabe-5317-bcd1-c9dcdaf00c83.html). Specifically, the delegation of the same powers that the co-movers are requesting be delegated has evidently already occurred in Aurora, Chatham-Kent, Guelph, Innisfil, Kingston, Oshawa, Richmond Hill, Sault Ste. Mari, Stouffville and Kitchener.

Strong mayor powers introduced by the Province through amendments to the Municipal Act are dysfunctional and antidemocratic for several reasons:

1. They provide powers to mayors not elected in 2022 to enact those powers.
2. They create a scenario of minority rule for budgets and certain legislation (bylaws), which is antithetical to the democratic principle of majority rule with minority rights and for which there may not be any comparable power in western democracy.
3. The veto power erodes local decision-making authority by only allowing strong mayors to utilize a non-budgetary veto on provincial priorities; as a result, the legislative veto can only be used to enhance the province’s priorities but not those of the municipality unless they are the same as those of the province.
4. The budgetary veto concentrates power of the purse to the mayor, leading to widespread control over capital projects and staffing each year at budget time. The mayor can thus defund initiatives they do not support.
5. For further clarity, the powers noted in points 2-4 can be overruled by 2/3rds +1 of council, meaning the mayor can exercise this power with a minority of council members (two plus themselves in Burlington).
6. The power to hire and terminate the city manager, previously the jurisdiction of council, is now in the hands of only the mayor. As the chief administrative officer of the corporation, the city manager would be at risk of being influenced in their

decision-making by the oversight of a single individual able to terminate them at any time without cause.

7. The rationale for point 6 above also applies to senior staff, previously the exclusive jurisdiction of the city manager. As a result, all senior staff are, generally, influenced to do what a mayor demands or fear the consequences. This significant latent power reduces democratic decision-making as decisions at the city or often binary and a majority of council may not agree with a strong mayor.
8. The ability to change the organizational structure of the municipality is another potential way to exercise power over staff.
9. The above rationale also applies to board and committee powers which are currently concentrated in the hands of the strong mayor.

The Government of Ontario has provided for some of the above powers to be delegated but not others. The present motion requests the delegation of those powers which can be delegated as per the Municipal Act. Should the motion pass and the mayor accepts the motion request and delegates the powers as requested, issues 6, 7, 8 and 9 and partially issue 1 would be addressed.

Vision to Focus Alignment:

(check those that apply)

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Motion Seconded by: Councillor Kelvin Galbraith, Ward 1
Share with Senior Staff

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance, Council-Staff Relations Policy and an assessment of the internal capacity within the City to complete the work based on a specific target date (quarter/year).

Reviewed by the Executive Director of Legal Services and Corporation Counsel to confirm references to legislation.

Comments:

City Clerk: none

City Manager: none