

COMMITTEE OF THE WHOLE – MAY 28, 2007

**BILL 130 AMENDMENTS TO MUNICIPAL ACT, 2001 –
ROLE OF COUNCIL AND HEAD OF COUNCIL**

Recommendation

The Director of Legal Services recommends that this report be received for information.

Economic Impact

The economic impacts arising from this report are within the existing budget.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to provide additional information as requested by Council on March 19, 2007.

Background – Analysis and Options

Further to the Report to the Committee of the Whole (Working Session) on February 27, 2007, related to Amendments to the *Municipal Act, 2001*, introduced by Bill 130, the *Municipal Statute Law Amendment Act, 2006*, this report provides additional information as requested at the Working Session on the changes to the roles of Council and the Mayor.

Role of Council

The role of Council set out at section 224 of the *Municipal Act, 2001* is as follows:

Role of Council

224. It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

The roles set out in section 224 were recently amended by Bill 130 to include a duty at clause (d) to ensure "policies," in addition to "practices and procedures" of the municipality, are in place to implement the decisions of Council. In keeping with the addition of the new Part V.1

of the Act, and other complementary amendments dealing with Accountability and Transparency throughout the Act, clause (d.1) adds to Council's role "to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management." Although Councils always had such authority, these new provisions articulate the role.

Staff at the Ministry of Municipal Affairs and Housing takes the view that the intent of the amendments highlights the need for Councils to have an ongoing interest in the operations of the municipality, not to become administrators of the municipality. Hence, the provision for the appointment of a Chief Administrative Officer has been retained. Further the role of the Municipal Administration, or the officers and employees of the municipality, has not changed. Section 227 sets out the administration's role as follows:

Municipal administration

227. It is the role of the officers and employees of the municipality,

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

Role of Mayor

The role of the Head of Council is set out at section 225 and provides as follows:

Role of Head of Council

225. It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.

New clause (c.1) articulates a role which was always implicitly understood to be the Head of Council's role. The Head of Council continues to be recognized under the statute as the Chief Executive Officer at section 225, clause (a). The parameters of this role have now been clarified in the new section 226.1 below.

The new role, duties or activities of the Head of Council or the Mayor prescribed in amended section 225 and the new section 226.1, however, do not give any additional powers to the Mayor at Council.

The Mayor's responsibilities as Chief Executive Officer are as follows:

Head of council as chief executive officer

226.1 As chief executive officer of a municipality, the head of council shall,

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The responsibilities in clauses 226.1(a) to (d) are performed by many heads of council at present and, therefore, section 226.1 for the most part simply itemizes duties a Head of Council or Mayor has always assumed.

Relationship to Vaughan Vision 2007

This report is consistent with the Vaughan Vision 2007.

Regional Implications

This report does not have regional implications.

Conclusion

This report provides additional details requested on Bill 130 amendments to the *Municipal Act, 2001* regarding the roles of the Mayor and Members of Council.

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