



Chair Laurie Scott, MPP  
Standing Committee on Heritage, Infrastructure and Cultural Policy  
99 Wellesley Street West Room 1405, Whitney Block  
Queen's Park  
Toronto, Ontario M7A 1A2, Canada

Dear Chair Scott,

Thank you Chair for the opportunity to make a submission to the Standing Committee for its study of Bill 3 Strong Mayors, Building Homes Act, 2022

I am writing on behalf of the [Association of Municipal Managers, Clerks and Treasurers of Ontario \(AMCTO\)](#). AMCTO represents excellence in local government management and leadership. With over 2000 members municipal managers and professionals (e.g., CAOs, Clerks, Treasurers, management) covering all of Ontario's municipalities, we are Ontario's largest voluntary association of local government professionals and are recognized as an influential voice on key management and legislative issues affecting the sector.

For over 80 years, AMCTO has maintained a productive relationship with government by helping ensure the professional expertise and local understanding of our members is utilized to improve existing and/or new legislation, policy and programs.

Please find our submission to the Committee below.

Yours Truly,

Elana Arthurs, CMO, AOMC  
President, AMCTO



**Submission to Standing Committee on Heritage, Infrastructure and Cultural Policy  
On Bill 3: Stronger Mayors, Building Homes Act, 2022**

**August 2022**

AMCTO's interests in this Bill lie with the proposed administrative and operational changes and the impacts to local government professionals. Our submission covers three areas in particular:

1. The effective removal of non-partisan local government leader.
2. The potential for the politicization of senior and other local government officials
3. The additional administrative burden on our members and other municipal staff.

### **Removing the Non-Partisan, Local Government Leadership Professional**

The changes proposed in the Bill give the mayor rather than council the ability to hire and fire, or forgo altogether, the Chief Administrative Officer (CAO) (*proposed subsection 284.5<sup>1</sup>*)

We are concerned about the effective loss of the position of the CAO position despite the ability of a mayor to determine that they want to hire one (*proposed subsection 284.13*) and that the bill proposes to give responsibilities previously assigned to the CAO to the mayor. This effectively removes the non-partisan, local government professional. We are also concerned about the politicization of the role if a mayor alone were to hire this person. We have more to say on this in the next section.

The CAO provides expert advice to council when it is making decisions and after those decisions are made the CAO must interpret the intentions of council to carry forward those decisions or any other direction, within the scope of the law. These decisions already include restructuring or changing departments, innovating services and so on. The CAO using their experience and leadership must balance political, administrative and community considerations and present those to mayor and council. The CAO must also take the concerns of staff to mayor and council who do not always want to hear staff's prudence and advice.

We have always held that there is tremendous value in the role that CAOs play and the expertise and leadership they provide.

We are recommending:

- That authority to appoint and remove a CAO be kept with Council as a whole.
- That the hiring of the CAO be mandatory.

### **Politicization of Senior Leadership**

There is also significant risk of threatening the neutrality of local government leadership but also the wider municipal public services. A non-partisan chief administrative officer

---

<sup>1</sup> Note, for our purposes, references to sections of Bill 3 refer to proposed amendments to the *Municipal Act, 2001* but which have complementary amendments in the *City of Toronto Act, 2006*.

and other senior leadership provide professional, expert advice based on data and evidence providing their best recommendations to council for it to make decisions.

AMCTO is also concerned about the proposals which would allow mayoral power to hire department heads and restructure municipal departments (*proposed subsection 284.6*).

While it specifically excludes roles such as the clerk, treasurer, chief building official and others who have authorities based in legislation, it would presumably include the chief planner, city solicitor, commissioners/general managers, or city engineer positions which have typically been hired by the CAO as the administrative leader, which typically keeps these positions non-partisan and apolitical given the importance of their work.

An effective relationship between council and the local administration is critical for ensuring smooth, effective operations of local government. Yet, there have been points of friction before, where political considerations try to influence what is meant to be a balanced, apolitical approach to operating a municipality.

We would like to take this opportunity to remind the Committee that AMCTO has long held the position that there remain opportunities to strengthen municipal administration through clarifying the roles and responsibilities between council and staff, and in particular the role of the CAO and the role of mayor as CEO<sup>2</sup> as has been recommended by Justices Bellamy and Marrocco<sup>3</sup> the reasons for, and results of, these inquiries point to the continued importance of doing so.

This clarity would specify who is responsible for political decision-making and policy-setting (mayor and council) and who is responsible for administrative policies, practices and procedures and staff (the CAO) and operations (CAO and other staff). If we look at the Provincial and federal orders of government, there is a clear line between minister responsibilities and deputy minister responsibilities when it comes to ministries and the administrative head of the ministry is apolitical just as the rest of the public service. This should be the same at the local level.

There must be a clear distinction between the political role and the administrative with a list of specific managerial responsibilities that ensure that programs and services are delivered in an equitable and apolitical way.

Blurring the lines between political and administrative responsibilities is risky to the effectiveness of municipal administration.

We are recommending:

- That appointments of department heads and senior leadership continue to be the purview of the CAO to ensure that staff and senior leadership remain apolitical.

---

<sup>2</sup> See for instance, [Submission on Strengthening Codes of Conduct](#), [AMCTO Submission on the Municipal Act & Municipal Conflict of Interest Act](#)

<sup>3</sup> See [Toronto Computer Leasing Inquiry](#) and [Town of Collingwood Judicial Inquiry](#)

- That the roles between staff and council be clarified to distinguish between oversight and operations.
- That roles and responsibilities of CAO and mayor as CEO be clarified to distinguish between administrative and political responsibilities as recommended by Justices Bellamy and Marrocco.

### **Administrative Burden of Transition and Good Governance Matters**

We are further concerned about the timelines for implementing these changes in such a short transition window and when the authorities would be extended to other municipalities (*proposed subsection 284.2*), and whether consultations with the sector including AMCTO will occur before any further decisions are made.

The November 2022 timeline we have heard mentioned as the month when implementation of changes proposed by Bill 3 would be in effect, will cause additional administrative burden for municipalities, an issue of great importance to AMCTO and our members. While this burden will be experienced in many areas of the cities, it will be most pressing for those responsible for holding the municipal elections in October.

Staff must bring forward updates to policies, codes and bylaws. They will have to change processes and procedures. They will have to re-conceptualize council orientation to consider new structures and responsibilities. These are complex projects that require time to review, consult on, update and seek council approval. Municipal staff are already limited in the time they have available to them given the number of legislatively mandated requirements our members are asked to fulfill in addition to their day-to-day operations. It will also be a challenge to plan this out because the structure will depend on who the elected mayor is, and how they choose to structure things and what is in minister's regulations. There are many unknowns.

Should the mayor as the proposed administrative and political head move to restructure the municipality, oversee the development of the budget and remain the chair of council lines of decision-making and accountability are blurred which is contrary to best practices of corporate governance.

Without restructuring the overarching governance and authorities of municipalities, and providing more autonomy, the proposed measures add piecemeal authority without considering the impact to day-to-day operation and administration of the municipality.

We are recommending:

- Extending timelines on implementing any proposed changes to give staff more time to update bylaws, policies, procedures and develop new ones as needed and ensuring that any future transitioning of other municipalities to this new structure allow adequate timelines.
- Ensuring that any future transitioning of other municipalities to this new structure allow adequate timelines.

- Changing various references to minister's regulations to LGIC regulations so that there is more of a consultative process (in particular, proposed subsections 284.2, 284.17)
- That the Government consult with the sector including staff associations before introducing these authorities to any other municipalities.
- Clarifying roles and responsibilities to reflect private sector best corporate practices to ensure clear lines of accountability are established among the Board (council), Chair (mayor), Executive Officer (mayor) and management (staff).

In closing:

We have expressed concerns about:

1. The effective removal of the non-partisan local government leadership
2. The potential for the politicization of senior and other local government officials
3. The additional administrative burden on our members and other municipal staff.

The professionalism, expertise, and experience of CAOs and senior leadership are of tremendous value to municipal organizations in navigating intricacies and complexities of local government administration. Our Association provides these leaders with professional development as they lead increasingly complex organizations and deliver more services to ensure that they can support councils in achieving positive outcomes and results for their communities, while also ensuring equitable access for their residents.

The CAO position has changed considerably over the past several decades. While originally focused on the operational management of a municipality, the role of CAO has now evolved into a position that is dedicated to strategic leadership, something that benefits council and the local community. Legislation must recognize and incorporate this evolution and not remove it. There is a reason why many jurisdictions in the United States had moved to the council-manager model that we have in Ontario<sup>4</sup>. We would urge this committee to seek more in-depth research from the United States on this.

Ontario should follow the lead of other provinces in strengthening the role of the mayor, council, and staff including the CAO<sup>5</sup>, in legislation to bring clarity to administrative and operational matters.

The evolution of municipal government and administration in Ontario requires leaders on the political and administrative sides to work together in partnership to ensure results for their communities can be achieved equitably and based on evidence and effective strategy.

---

<sup>4</sup> See National League of Cities. "Forms of Local Government." Available online: [www.nlc.org/resource/cities-101-forms-of-local-government](http://www.nlc.org/resource/cities-101-forms-of-local-government). Accessed August 22, 2022, and Graham, Kate, "Leading Canada's Cities? A Study of Urban Mayors" (2018). Electronic Thesis and Dissertation Repository. 5745. <https://ir.lib.uwo.ca/etd/5745>

<sup>5</sup> See for instance [Alberta](#).