


# WHAT A CITY CAN AND CAN'T DO

September 15, 2021



STRATEGIC  
STEPS  
INC

1

# WELCOME FROM CITY COUNCIL

Councillor Kathy Vassilakos

Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has.

Margaret Mead



2

## TOPICS FOR THIS PUBLIC SERIES

- Overall
  - Overview of the role of local government for citizens and organizations
- September 15 - today
  - What the city can and can't do
- September 28
  - Understanding roles in the city
- October 5
  - Engagement in local government
- October 20
  - City finance

Please ask questions or make comments as we go. Raise your hand or put question in the chat box

3

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3

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## SESSION DECORUM

### Working Together in an Online Environment

- Online is not ideal – some extra grace and patience is requested
- Listen and respect different ideas and diverging opinions. This is where much of the value lies
- Individuals who share inappropriate comments or content will be asked once to refrain. If the behaviour continues, the individual will be removed from the session.
- The session is being recorded for posting to the City's website

4

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4

## OUR TIME TOGETHER

- This is your time
- This is not a lecture; it's more of a seminar – add your thoughts where you like
- There are lots of routes up the mountain of great governance
- Everyone brings something to their community, whether public, elected or appointed. **That's the best team.**
  - You want each other to be successful for the citizens, businesses, and organizations in Stratford
- Disagree with opinions or interpretations if you like

5

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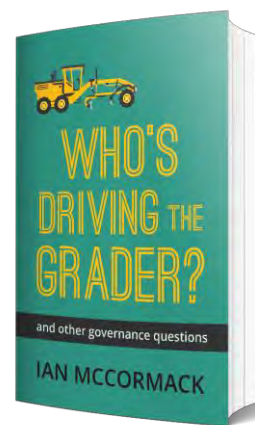


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## CONVERSATION FACILITATOR

Ian McCormack, CMC

- President of Strategic Steps Inc.
- Operates in the space between elected and appointed officials
- Called in to assist with topics associated with good governance
  - Orientations
  - Strategic Planning
  - Governance, Organizational and Code of Conduct Reviews
- Author and speaker
  - Governance Voice column in *Municipal Voice (SUMA)*
  - *Who's Driving the Grader* published in 2020
  - Book on the aptitudes of the best mayors coming out this winter



6

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6

# THE NEXT BOOK

## The Best Functioning Mayors The DNA of Great Leaders

- Personal Aptitudes – what's in you already.
  - No playing favourites
  - Reflect often
  - Make mistakes – move on
- Community Leadership – where you came from.
  - Humility
  - Vision
  - Know the rules
- Governance Skills – what you can learn.
  - Focus on strategy
  - No tolerance for abuse
  - Collaborate broadly

7

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7

# QUESTIONS FOR YOU

- What is the best thing the City of Stratford does or provides for you and your family?
- What would you change about Stratford's local government if you could?
- What does good/great governance mean to you?
- What do you hope to get from this series?

8

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8

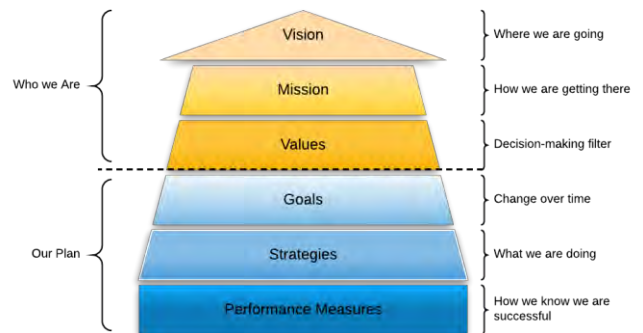
# COUNCIL OVERSIGHT



9

## NO STRATEGY SURVIVES FIRST CONTACT

- The ideal future state – how far out?
- A short-term plan to achieve a long term vision
- Designing the plan for those who benefit
- The precedence of the individual or the collective
- Cascading alignment – from vision to service delivery to measurement



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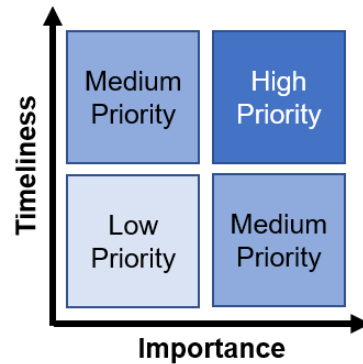
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# NO STRATEGY SURVIVES FIRST CONTACT

- Misalignment with vision
- Trying to be all things to all people
- Timeliness and importance
- Funding priorities



11

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11

# CONTINUUM OF SERVICE



	Attribute	
The expertise is in the room	Motivation	I know best. Others should listen.
What is best for the broader community.	Vision	My way or the highway
Subjugated to public good	Role of Ego	Primary driver
Key to accomplishment	Teamwork	Zero-sum
Listen broadly	Consultation	No need to consult
Shared, Based on collective expertise	Results	Delivered because of strong will and focus

12



12

# WHAT THE CITY CAN – AND CAN'T - DO



13

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## FOUR ORDERS OF GOVERNMENT

- Federal – pan-Canadian areas of interest
  - Postal service, immigration, defense, health
- Provincial/territorial – geographically constrained areas of interest
  - Labour, energy, municipal affairs, education
- Local – areas of local interest
  - We'll get to this later
- Indigenous – First Nations, Metis, Inuit
  - Self-government, truth and reconciliation
- All orders of government must work together

14

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14

# CONSTITUTIONALITY

Did you know! The first English Municipal Corporation tracked back to 1067

- Municipalities are 'creatures' of the provinces.
- Constitution Act 1982
  - S 92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,
    - (8) *Municipal Institutions in the Province*
- Province of Ontario establishes, alters and dissolves municipalities.

15

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15

# RELEVANT LEGISLATION

## Starting at the Top

- Canadian Constitution
  - Municipalities are the responsibilities of provinces/territories
- Municipal Act
  - Establishes municipalities
  - Identifies what higher- and lower-order municipalities can do
  - Establishes councils, provides meeting rules, decision-making authority
  - Other sections are more technical
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
  - Release of information, when information must be kept private
  - Exemptions to disclosure can be mandatory or discretionary

16

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16



# MUNICIPAL PURPOSES

## Section 2 of Municipal Act

- Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters. 2006, c. 32, Sched. A, s. 2.

17

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17

# COUNCIL'S LEVERS

## Local Tools for Governance

- By-laws
  - Strongest tool
  - Legislative authority
- Policy
  - Predictability
  - Avoids repeated questions
- Budget
  - Priorities get funded
- Legislative Paramountcy
  - If local tools conflict with higher-order ones, the local is null and void, but only to the extent of the conflict

18

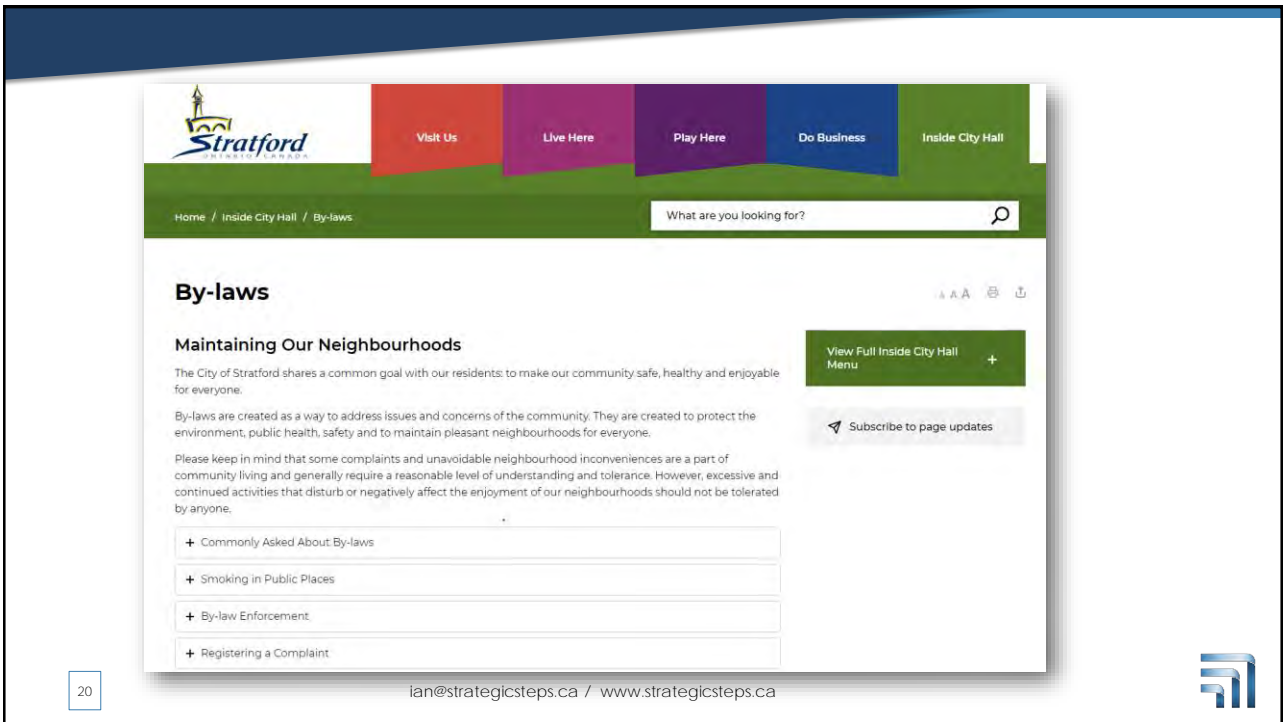
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18



19



20

## BYLAW RANGE

### Authority (MA s11 (1))

- *A lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4).*
- Typically this means something that is of benefit to all or part of the city.
  - Can create some issues for a city council if there is cost attached and limited regional benefit.

21

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21

## BYLAW RANGE

### Matters of Bylaw Jurisdiction (MA s11 (2))

A single-tier municipality may pass by-laws respecting the following matters:

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection.

22

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22

# BYLAW RANGE

## Spheres of Bylaw Jurisdiction (MA s11 (3))

A lower-tier municipality and an upper-tier municipality may pass by-laws ... respecting matters within the following spheres of jurisdiction:

1. Highways, including parking and traffic on highways. (*this doesn't include provincial highways*)
2. Transportation systems, other than highways.
3. Waste management.
4. Public utilities.
5. Culture, parks, recreation and heritage.
6. Drainage and flood control, except storm sewers.
7. Structures, including fences and signs.
8. Parking, except on highways.
9. Animals.
10. Economic development services.
11. Business licensing.

There are many pages in the Act that deal with each of these 'spheres of jurisdiction'

23

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# POLICIES



24

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# POLICIES

## Adoption of Policies, MA S 270 (1)

A municipality shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
- 2.1 The relationship between members of council and the officers and employees of the municipality.
3. Its procurement of goods and services.
4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.
6. The delegation of its powers and duties.
7. The manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.
8. Pregnancy leaves and parental leaves of members of council

26

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26

# BUDGET



27

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## BUDGET – GOVERNANCE ROLE IN FINANCE

- Fiscal year and calendar year are the same
- Budgets must be balanced
- Financial statements must be audited every year by someone who is not an employee of the municipality.
- Auditor reports to Council, not administration
- The municipality is required to set and monitor its budget
- Borrowing must be prudent and within limits set by the government
- Council has an oversight role
  - No need to see A/R, A/P, cheque register

28

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# PRUDENT BUDGETING

- Operational Budgeting
- Capital Budgeting
- Reserves
  - Dedicated saving for a specific purpose
  - Optimum balance
- More on this topic in Session 4

29

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29

# CITIZEN INVOLVEMENT

32

## PRINCIPLES AT PLAY

All councils consider these, either formally or informally

- The only fundamental difference between a council member and a citizen is that the councillor got more votes.
  - Candidate training, council orientation, ongoing professional development.
  - New council members have to hit the ground running. Government doesn't stop.
- Keep everything public unless there is reason not to – vs – keep everything private unless it has to be released.
  - Council members know more about their community than anyone, including their partners.
- It's never about what it's about – what appears on the surface is often more complex beneath.
  - Which version of the facts is the real one?
- Where you stand depends on where you sit.
  - Perspectives change over time.

33

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33

## COMMON CONCEPTS

Appropriate use of available tools

- Transparency and Accountability
  - Required of effective local governments
  - Can sometimes differ depending on which side of the council table you are on
- Open Session vs Closed Session (*in camera*)
  - Typical uses include metaphorical 'land, labour, legal'
  - No decisions can be made in camera
  - Legislative reason for a closed session must be provided
- Engagement and Communication
  - These are two different topics
  - Continuum of engagement
  - The entirety of Session 3 is based on this topic

34

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34



# WAYS TO ENGAGE

## More on this in Session 3

- Without citizens living in a geographical area, there would be no need of a local government.
- Elections
- Council committees
- Delegations
- Public hearings
- Open houses
- Communicating directly with council members

35

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35

# NEXT TIME WE MEET

## Role Clarity

- Topics for our next time together
  - Understanding Roles in the City – Council, Councillor, Mayor, City Manager, Administration.
- Review of today
  - What worked for you?
  - What needs to change?
  - What would bring you the most value?

36

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36



THANK YOU  
FOR YOUR  
ONGOING  
INTEREST IN  
YOUR  
COMMUNITY



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