

# Bill 39, The *Better Municipal Governance Act*, 2022

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AMO's Remarks to the Standing Committee on Heritage,  
Infrastructure and Cultural Policy

December 1, 2022



Good afternoon, everyone. My name is Brian Rosborough, and I am the Executive Director of the Association of Municipalities of Ontario.

I appreciate the opportunity today to speak with this Committee to add AMO's voice to the discussion about Bill 39.

I will limit my comments to one aspect of the Bill; namely, provisions in schedule 3, enacting a new section of the Municipal Act, allowing a mayor to make law with just a third of elected councillors voting in favour.

I will begin by telling you a little bit about AMO and Municipal government in Ontario.

AMO represents municipal government in Ontario. AMO's members are the more than 400 municipal councils in Ontario which *govern* and serve about one in three Canadians. While the city of Toronto is an important part of the sector, it is not a member of AMO, and my comments are not intended to reflect on proposed amendments to the City of Toronto Act.

Ontario's municipal sector invests more than \$55 billion a year in the Ontario economy, including an average of \$5.5 billion a year of own-source revenue into the infrastructure that is the foundation of Ontario's environmental sustainability, prosperity and economic growth.

More than \$40 billion of municipal annual investment is in activities that support the social determinants of health – with a return on investment shared by our communities and the provincial economy.

Unique provincial-municipal fiscal arrangement in Ontario result in a net municipal subsidy to the provincial treasury of about \$4 billion a year through mandatory cost-sharing of provincial health and human services programming, including social housing and homelessness.

By any measure, municipalities in Ontario are partners with the provincial government.

It has been a very solid and constructive partnership over the past four years. The municipal sector's vision of the partnership is one of great potential and limitless opportunity to work together to advance shared interests in housing, prosperity and new approaches to economic participation that include those too often left behind.

The sector also has a vision that addresses the declining respect for democracy and lawmakers.

When AMO's board met last Friday, it approved an allocation of funding over the next four years to launch AMO's Healthy Democracy Project.

AMO previewed this project at our annual conference in August. It will build on AMO's We All Win Campaign to attract more diverse candidates to municipal office. It will promote greater civic engagement, greater awareness of the role of municipal government, more respect for the people engaged in democratic processes, and it will encourage greater voter turn out.

This project was not inspired by Bill 3 or Bill 39 but reflects what we all understand to be an important matter for civil society in this country and this province.



AMO was last at this committee to discuss Bill 3 and I am here today on behalf of the AMO Board to discuss Bill 39.

AMO has not taken a position on the provisions in Bill 3 except for those pertaining to hiring and firing heads of department and reorganizing municipal public administration. We advised this Committee that those provisions were at odds with good corporate practice and asked that those provisions of Bill 3 should be removed. They were not removed, and they are now law.

We did undertake to learn more about the views of Heads of Council and Councillors on so-called strong mayor powers.

AMO undertook a survey of Councillors, Heads of Council, and senior municipal staff – to understand their perspectives on the new powers established in Bill 3.

The result is evidence of very limited interest in the new powers.

77% of mayors and 95% of municipal councillors from cities, towns and villages alike have said they do not support the new powers. In general, they find the new powers to be unnecessary, unhelpful and unlikely to help increase housing supply.

Which brings us to Bill 39.

Proposed changes to the Municipal Act which would allow a mayor to make law with the support of just one third of the council will disenfranchise elected councillors and potentially destabilize and undermine the authority of municipal government.

AMO has a very simple message for this Committee.

Bill 39 provisions on voting thresholds in the Municipal Act violate basic democratic principles and norms.

As you know, AMO is not alone in its understanding of the matter. It has been expressed clearly and repeatedly by countless media outlets, leading scholars, political commentators, and others who care about democracy and good government.

At a time when respect for democracy and respect for lawmakers is in decline, minority rule amendments to the Municipal Act are harmful and should be withdrawn.

Thank you for your time.