CITY OF WINDSOR MINUTES 07/10/2024

Special Meeting of Council Training Session

Date: Wednesday, July 10, 2024
Time: 9:00 o'clock a.m.
Location: Room 204, City Hall Square West

Members Present:

Mayor
Mayor Drew Dilkens

Councillors
Ward 3 - Councillor Renaldo Agostino
Ward 4 - Councillor Mark McKenzie
Ward 5 - Councillor Ed Sleiman
Ward 6 - Councillor Jo-Anne Gignac
Ward 7 - Councillor Angelo Marignani
Ward 8 - Councillor Gary Kaschak
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison

Councillor Regrets
Ward 1 - Councillor Fred Francis
Ward 2 - Councillor Fabio Costante

Clerk's Note: Councillor Ed Sleiman participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Mayor calls the meeting to order at 9:04 o'clock a.m.

2. DISCLOSURE OF PECUNIARY INTERESTS

None disclosed.

3. PRESENTATION – *MUNICIPAL ACT, 2001* – PART VI.1 – SPECIAL POWERS AND DUTIES OF HEAD OF COUNCIL

Dana Paladino, Commissioner, Corporate Services (Interim) appears before Council and provides a brief introduction and overview of the *Municipal Act, 2001* Part VI.I-Special Powers and Duties of the Head of Council including the Impacts of Amendments to the *Municipal Act*, 2001-Part VI.I; Provide the Head of Council (HoC) with new powers including; powers of the Chief Administrative Officer (s 284.5); to determine the organizational structure of the municipality and the ability to hire, dismiss or exercise enumerated employment powers with respect to the head of any division or head of any part of the organizational structure (s 284.6); Legislative Powers to implement provincial priorities; Financial Powers to propose and adopt the municipal budget (s 284.16).

Steve Vlachodimos, City Clerk appears before Council and provides a brief summary of the *Municipal Act, 2001* Part VI.I-Special Powers and Duties of the Head of Council-Administrative Powers including appointing the Municipality's Chief Administrative Officer; Establish Organizational Structures; Hire, dismiss, heads of departments with exceptions; Direct employees to undertake research, provide advice to the Mayor and City Council on policies and programs as they relate to this part of the act; Create Committees of Council, assigning their functions and appointing the chairs and vice-chairs of committees of Council; Appoint chairs and vice chairs of prescribed local boards; Provide a written record of Mayoral Decisions and they are posted to the City of Windsor website.

Councillor Gary Kaschak inquires whether the province has given an indication about when future direction will happen and how often. Mr. Vlachodimos responds that the province hasn't provided any further information at this time and administration is working on providing some recommendations and sending submissions to be considered.

Councillor Kieran McKenzie requests clarification about prescribed boards. Mr. Vlachodimos responds that it would be boards such as Police Services Board or Library Board, it wouldn't be the Conservation Authority because that would be a provincial body. Mr. Vlachodimos adds that until they are prescribed in the regulations, it is not confirmed.

Councillor Jim Morrison inquires whether it would include Roseland, the airport, the tunnel. Mr. Vlachodimos responds that until he gets the regulations he can't confirm. He adds that the interpretation would indicate that they would be included. Ms. Paladino indicates that it is not unusual for legislation to be vague and there are gaps. Administration fills the gaps with legislation in the

M*unicipal Act* and best practice. Mr. Vlachodimos indicates that the procedure by-law is being updated and will incorporate some of the special powers.

Councillor Jo-Anne Gignac inquires about the direction from the Head of Council regarding the budget not being made public. Mr. Vlachodimos indicates that only direction for members of administration to provide research to the mayor is stipulated.

Councillor Jo-Anne Gignac asks if there are provisions that will allow the Head of Council to direct administration regarding budget formulations for particular projects. Mr. Vlachodimos indicates that it has all been done through mayoral decisions with information that has been made public and provided to council.

Councillor Jo-Anne Gignac requests that Council be made aware of any specifics related to budget development and project direction. Mr. Vlachodimos indicates that it would be part of a mayoral decision.

Councillor Angelo Marignani inquires about the timeline for public notification as it relates to transparency for all these actions. Mr. Vlachodimos responds that it is made available about 20 minutes after uploading to the City's website.

Councillor Gary Kaschak requests details related to the breakdown of the mayoral decisions made to date. Mr. Vlachodimos provides a breakdown.

Councillor Kieran McKenzie inquires about the definition of the term research. Mr. Vlachodimos provides the definition as outlined in the strong mayor power legislation.

Councillor Kieran McKenzie inquires whether strong mayor powers legislation creates a timeline for completion. Mr. Vlachodimos indicates that Administration works with a calendar to calculate the timeline and milestones, so that Council can operate within the prescribed timeframes .

Councillor Jim Morrison inquires how we compare to other municipalities in terms of exercising these special powers. Mr. Vlachodimos responds that we are on the same page for the most part. He adds that these special powers can be exercised at any time depending on circumstances.

Wira Vendrasco, City Solicitor appears before Council and provides a brief summary of the *Municipal Act, 2001* Part VI.I-Special Powers and Duties of the Head of Council-Legislative powers as follows: general rule for passing legislation is majority vote; special powers of Head of Council changes that rule under certain circumstances, 4 concepts or principles of special powers of Head of Council include proactive powers; reactive powers or veto powers; powers relate only to the Provincial Priorities; Only applies to *Municipal Act*, *Planning Act* and *Development Charges Act*, and their regulations; Provincial Priorities including Building 1.5 million new residential units by December 31, 203; Constructing and maintaining infrastructure to support housing including: Transit, Roads, Utilities, Servicing; Head of Council Proactive Powers including if the Head of Council is of the opinion that a matter could potentially advance a prescribed provincial priority; A by-law could potentially advance a prescribed provincial priority; Head of Council Reactive powers –Veto powers if the Head

of Council is of the opinion that all or part of a by-law could potentially interfere with a prescribed provincial priority; provide written notice within 2 days of passing; The veto power applies only to provincial priorities and by-laws passed under the *Municipal Act, Planning Act* or *Development Charges Act* and their regulations; Veto power does not apply to budget by-laws; Immunity to Head of Council, a decision made, or a veto power or other power exercised, legally and in good faith under this part shall not be quashed or open to review; This provides the Head of council with immunity for decisions made or veto powers or other powers if made legally and in good faith; Provides Head of Council with immunity so that such decisions and powers are not subject to court review or challenge on the basis of unreasonableness or supposed unreasonableness.

Mayor Drew Dilkens leaves the meeting at 9:26 o'clock a.m.

Councillor Renaldo Agostino inquires whether there is a process that Provincial priorities are introduced to us. Ms. Vendrasco responds that the provincial priorities are in legislation that go through public process. Regulations do not go through public process they are done by the government and are posted.

Councillor Jo-Anne Gignac inquires whether we currently have a list of provincial priorities. Ms. Vendrasco responds that it has been provided as part of the presentation.

Councillor Jo-Anne Gignac inquires whether there are any new initiatives that could be added. Mr. Vlachodimos indicates that if any come forward, administration would let council know.

Mayor Drew Dilkens returns to the meeting at 9:33 o'clock a.m.

Councillor Jo-Anne Gignac inquires if Council will be notified if the province will be adding to the list. Ms. Vendrasco indicates that the City is not consulted but will be notified. Regulations are posted and then stakeholders are notified.

Councillor Jo-Anne Gignac inquires whether there is public consultation before regulations come into effect. Ms. Vendrasco responds that the government uses regulations because they are not obligated to engage in public consultation.

Councillor Kieran McKenzie inquires about the three acts and if anything that falls within the scope of the acts does not necessarily form a priority. Ms. Vendrasco responds that it has to be a priority and statute and not be a section that has been excluded.

Councillor Kieran McKenzie asks what process the province has to follow in order to bring forward new priorities. Ms. Vendrasco responds that the province could expand their scope of priorities and would do it by regulation. It is an open process, and they may consult, but don't have to. There are currently two regulations that apply.

Councillor Gary Kaschak inquires whether the province has the power to enact any type of regulations they see fit. Ms. Vendrasco responds yes.

Councillor Jim Morrison inquires whether they lose some of the scope of what can be done in the committee for development charges. Ms. Vendrasco responds that the *Development Charges Act* was amended recently. The province rolled back a number of the harsher provisions that had been enacted previously. The committee will be notified of the changes.

Councillor Jo-Anne Gignac inquires if the mayor was going to veto the *Development Charges Act*, if it would have to be in the provincial priorities category. Ms. Vendrasco responds that development charges are charged for residential and commercial development. The mayor could theoretically add to the act or could veto the by-law proactively or reactively.

Janice Guthrie, Commissioner, Finance and City Treasurer appears before Council and provides a brief summary of the *Municipal Act, 2001* Part VI.I-Special Powers and Duties of the Head of Council – Financial Powers including the Head of Council can propose and adopt a budget; details regarding process to approve budgets; veto of Council amendments; Council and Head of Council can shorten their respective review time, veto, and override periods; Initiate In-year budget amendments; Council ability to amend; veto of Council amendments (within 5 days); Council ability to override veto (2/3 vote) – within 10 days; Council and Head of Council can shorten their respective review, veto, and override periods; a brief detail of the 2024 Budget Process; 2024 Budget Amendments; 2024 In-Year Budget Amendments; Strengthen the Core – Downtown Windsor Revitalization Plan; and a brief detail of the proposed 2025 Budget Process, timelines and the Role Of Council.

Councillor Jim Morrison inquires about the majority vote to overturn a veto. Ms. Guthrie indicates that 8 out of 11 Council Members would be the majority.

Councillor Kieran McKenzie inquires about the timeline for proposed budget amendments. Ms. Guthrie responds that any proposed amendments would need to follow the prescribed time frames.

Councillor Kieran McKenzie inquires about the process of introducing the Strengthen the Core initiative and asks if that re-opened the entire budget. Ms. Guthrie responds once the base budget goes through the process, it is closed, and that budget is deemed approved. The budget amendment only relates to the amendment that was tabled.

Councillor Kieran McKenzie inquires whether different but related proposals to budget amendments that could change the financial impact would be open to discussion. Ms. Guthrie responds that as long as it was not part of the base budget or previously recommended as part of that budget and the process is concluded. Council could add, accept or propose a decrease as part of the amendment process.

Councillor Kieran McKenzie comments that if items that were listed in the budget documents but not recommended, would not be able to come forward until the next budget process. Ms. Guthrie confirms that comment.

Councillor Angelo Marignani inquires when the final budget will come forward. Ms. Guthrie indicates hat there are no set dates at this point, but they are following previous years timelines as a guide.

Councillor Angelo Marignani inquires about the calendar year and fiscal year not being the same. Joe Mancina, Chief Administrative Officer appears before Council regarding the *Municipal Act, 2001* Part VI.I-Special Powers and Duties of the Head of Council and responds that it is the same. Mr. Mancina indicates that preliminary approvals of budget items and tax levies are given in advance of finalizing the budget. The fiscal and budgetary years are January to December. Ms. Guthrie indicates that the City operates on a base budget and modify accordingly once the entire process comes to a conclusion.

Councillor Jim Morrison requests clarification on tax levy calculations and If we are working from an estimated base budget if there is a way to start that collection process early. Ms. Guthrie responds that the regulations state that you can only bill up to 50% of the prior year's levy.

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Jim Morrison

That the presentation of the Commissioner, Corporate Services entitled "*Municipal Act, 2001* – Part VI.1 – Special Powers and Duties of Head of Council" dated July 10, 2024 **BE RECEIVED** for information.
Carried.

Clerk's File: ACO2024

4. QUESTIONS AND ANSWER PERIOD

See item 3.

5. ADJOURNMENT

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Gary Kashack

That the Special Meeting of Council – Training Session held July 10, 2024 **BE ADJOURNED**.
Carried.

Accordingly, the meeting is adjourned at 10:11 o'clock a.m.

Mayor

City Clerk