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Matters of Concern in Ontario

Ford Government Confers New Executive Powers on Mayors Prior to Municipal Elections

– Enver Villamizar –



Toronto demonstration against Ford government's Bill 5, September 12, 2018. The legislation cut the number of city councillors in half during the election campaign.

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On October 24 municipal elections will take place across Ontario for city and town councils as well as school boards. The elections come following the provincial election in which the Progressive Conservative (PC) Party won a majority with just a 43 per cent voter turnout and 18 per cent of the electorate voting for them.

Following the election Premier Doug Ford revealed that the election was about giving his government a mandate to, amongst other things, build a road to the Ring of Fire in northern Ontario to provide critical minerals coveted by those betting on the electric vehicle market and new battery plants to be paid for by the public in various ways but run by global monopolies. A major aspect of this direction is the demand of these global monopolies to move quickly on various municipal zoning approvals and environmental assessments "to get shovels in the ground" and to ensure everything is at their disposal and nothing slows down the direction they have set for the province. In addition, the government claims that the election provided an endorsement for its plan to build 1.5 million homes in the next 10 years and that this is all about getting rid of red tape for builders.



On August 9, three days into its second term in office, the newly elected PC government tabled and has now passed Bill 3, the *Strong Mayors, Building Homes Act*. The legislation was not discussed prior to or during the election, but the meaning of the PCs' slogan that Doug Ford would "get it done" is now becoming apparent.

The new legislation greatly limits and nearly eliminates the role of locally elected city councillors while centralizing executive powers for cities in the hands of the mayor. The legislation applies at the moment to the cities of Toronto and Ottawa but will be extended to other communities where the government feels the municipality is "committed to growth, committed to being able to get shovels in the ground, and you've got to be able to put that plan in place," said Minister of Housing and Urban Affairs Steve Clark when discussing the legislation.

In particular the legislation provides the mayors with expanded executive powers which can be wielded in order to "align municipal decision-making with provincial priorities."

In the name of these amorphous priorities under the increased executive powers they are being given, the mayors can now re-organize city hall, write their city's budget and present it to council only for amendment and veto any council decisions or bylaws which in the mayor's opinion do not align with the undefined provincial priorities. This veto can only be overridden by councillors with a two-thirds majority vote. Nonetheless, on anything which comes under the prescribed provincial

priorities, it is the mayor alone who sets the budget and certain priorities and brings them to council. This is something given particular emphasis in the Ford government's explanation for the powers.



Putting the power to set the budget solely in the hands of the mayor will facilitate "getting things done." In this respect the logic is that, like in the U.S. cities identified, you need a powerful head of council to set the agenda for the government, and by extension the people, and the role of elected councillors is merely to amend a direction already set by decree. Under the current municipal legislation most municipalities have a budget committee to coordinate the budgeting process. The budget committee includes part or all of council and senior staff and usually has the mandate to "produce and circulate an approved

statement of municipal priorities and goals to department heads, provide technical budgeting assistance through finance staff to departments, evaluate individual department budgets submitted to the committee, consolidate departmental and local board budgets into an overall budget document for council's review and consideration." These powers would now all be in the hands of the mayor or their designate.

The legislation provides for expanded powers for the mayor to hire and fire staff and direct city employees to implement the mayor's decisions or vetoes. The mayor is given the power to appoint the chief administrative officer, who then can wield the mayor's powers when these are delegated. The mayor also now has "the power to hire, dismiss or exercise any other prescribed employment powers with respect to the head of any division or the head of any other part of the organizational structure," with a number of exceptions.[1] As well, the mayor may also now establish or dissolve committees, appoint the chairs and vice-chairs of committees and assign functions to committees. The legislation also sets out how a municipality must hold a by-election for a mayor if the sitting mayor resigns or is otherwise unable to fill the position.

Framework for Wielding Powers Left to the Crown

Nowhere in the Ford government's Strong Mayors legislation or in the debate on it in the Legislature were the provincial priorities explained or defined in any manner to establish a framework for the public to appreciate when these powers can be wielded. Instead, the legislation simply says that the Lieutenant Governor in Council will prescribe provincial priorities, by which we are supposed to understand that they will be outlined in the Speech from the Throne written by the Ford government. All of it remains mostly secret and outside of any public discourse. It should be kept in mind that the government has refused to make public the mandate letters issued to the various ministries.

At different points during debate in the Legislature, however, various ministers gave a glimpse into the areas these powers can be used for such as "construction and maintenance of critical infrastructure to support accelerated supply and availability of housing, including but not limited to transit, roads, utilities and servicing," and "building more housing, transit and transit-oriented communities." In the end it is the executive of the provincial government which gives the mayors broad arbitrary powers over the areas that the premier and his ministers decide.

It makes a real farce of elections for mayors who, through the Strong Mayors legislation, are clearly mandated to be agents of the premier while sidelining locally elected city councillors altogether.

To talk about accountability when the decisions are arbitrary and made in line with secretly set priorities is irrational. But that is what is clearly spelled out in the law. The legislation provides that any "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 in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the decision or exercise of the veto power or other power." This is a clear example of the use of executive powers Canada's constitutional order enshrines.

Ministerial Control Over Powers Defined

While not defining what priorities the powers will be used to push, the Strong Mayors legislation does define that the Ontario Minister of Municipal Affairs and Housing has the power to make regulations concerning all aspects of the new powers and how they are wielded, including preventing a mayor from delegating their powers to council, for example, considered an act of defiance towards the new powers. These ministerial regulations can be made retroactive up to six months.

Process of Passage

The legislation was rushed through the Legislature to have it in place for mayors elected in the October 24 municipal elections. According to opposition Members of the Provincial Parliament (MPPs), the government held a ministerial briefing on the legislation at 4:00 pm one day and then, at 10:45 pm the next day, MPPs were informed that the legislation would be tabled and debate would begin the following day. Seven days of debate took place on the legislation and it was passed on September 9, one month after it was tabled.

The committee assigned to study the legislation to propose amendments was the Standing Committee on Heritage, Infrastructure and Cultural Policy. It met on August 22 to start discussing the legislation, the same day Toronto mayoral candidate John Tory released a housing plan for the Greater Toronto Area. The minister putting forward the legislation, Steve Clark, said Tory's plan is exactly the type of plan the new powers could be used to push through. This reveals that the legislation also serves to intervene in the Toronto municipal election in favour of a particular candidate. The use of power and privilege to push narrow private interests is more and more openly revealing the corruption inherent in Canada's constitutional order.

Dear readers, it is all legal! There is allegedly nothing we can do about it! Or so they would have us believe.

Note

1. The powers assigned do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to any of the following persons:

1. The clerk or deputy clerk.
2. A treasurer or deputy treasurer.

3. An Integrity Commissioner.
4. An Ombudsman.
5. An Auditor General.
6. A registrar, as described in section 168.
7. A chief building official, as defined in the *Building Code Act*, 1992.
8. A chief of police, as defined in the *Police Services Act*.
9. A fire chief, as defined in the *Fire Protection and Prevention Act*, 1997.
10. A medical officer of health, as defined in the *Health Protection and Promotion Act*.
11. Other officers or heads of divisions required to be appointed under this or any other Act.
12. Any other prescribed persons.



U.S. Models for "Strong Mayors"

In an effort to justify their changes to municipal powers in Ontario, the Ontario government is holding up cities like Chicago and Los Angeles as well as London, England as models for a "strong mayor system." The claim is that the mayors in these cities have "strengthened roles and additional administrative and executive powers in developing budgets, and some have the opportunity to veto certain items."

First of all, the entire U.S. municipal system, especially for the cities in question, is different from what exists in Ontario. Secondly, the clash of authorities in the United States between one level of government and another and the attempts to control municipal powers in big cities, which include very powerful police departments to put down dissent and oppress the people, is one arena in which the civil war is playing out in that country. Is this what the Ford government wants for Canada?

To cherry pick phrases in the most decontextualized manner to justify providing mayors in Ontario cities with new executive powers is not just self-serving and nonsensical but shows there is a hidden agenda. The phony comparison is used to disinform the population and divert it from finding out what this hidden agenda is. One way the government is attempting to distract attention from the aim of adopting the use of prerogative or police powers as the new normal is to make the debate one of whether Toronto or Ottawa should or should not be like these U.S. cities. The fact that Canada's so-called democratic institutions have broken down and the ruling circles have resorted to the use of police powers as a new normal is not to be discussed. A key point the government focuses on in discussing the U.S. cities is that the mayors in those cities have the power to set the budget.

It is important to establish what is pertinent and what is not in order to get to the heart of the matter.



New Table Established with First Nations to Proceed with Electric Vehicle Battery Projects

On September 15 the Ontario government announced it had reached an agreement to establish the Three Fires Nations-Ontario Southwestern Ontario Infrastructure and Economic Opportunities Table. Included are the following: Aamjiwnaang First Nation, Bkejwanong First Nation (Walpole Island), Caldwell First Nation, Chippewas of the Thames First Nation, Chippewas of Kettle and Stony Point First Nation in southwestern Ontario.

The establishment of the structure is linked to the government's plans to make Ontario a source of critical minerals and build a large electric vehicle battery plant in Windsor. Many of the First Nations at the new Table had immediately raised concerns following the Ontario election when the mayor of Windsor swiftly requested ministerial intervention to "expedite" the rezoning of some parcels of the land the city had assembled for building the new Stellantis-LG Energy Solution's battery plant. The First Nations in the area had not been consulted in the process as required.[1]

With the establishment of this Table the government claims it "will advance billions of dollars in critical infrastructure, transformational investments, and clean energy projects in the region, while creating a space for meaningful dialogue, collaboration, and partnership between First Nation leaders and the province." They also state it will lead to "enhanced collaboration between the Government of Ontario and area First Nations leadership."

The agreement apparently "encourages more opportunities for qualified First Nations providers to support the procurement of goods and services across the province and further strengthen Ontario's economy."

Clearly the government and municipalities feel they have the green light to move ahead, having committed to "meaningful dialogue and collaboration and partnership" with First Nations.

"We are on a mission to build this province, and the creation of this economic opportunities table will be a game changer for the people of southwestern Ontario," said Premier Doug Ford. "We are going to stand shoulder-to-shoulder with our First Nations partners to advance critical infrastructure projects and ensure everyone benefits from the opportunities that Ontario holds. Working together, we will build a better Ontario for the generations that follow us," he added.

Claiming this will "benefit everyone" does not make it so. Paying off big companies to rip out minerals from Indigenous lands in the north to ship them south along policed corridors for sale to the U.S. and other markets, is consistent with the aim of building an economy that is unsustainable. It does not benefit the working people or the First Nations of Ontario.



It was only when First Nations intervened to assert that they had to be involved that a new "Table"

was set up. More bureaucracy will not resolve real problems. Those who are affected by the decisions do not in fact benefit but are left behind. This has been the case to date and is only getting worse as mining operations in Ontario's north continue to poison the land and water from ripping out massive amounts of value that private interests expropriate. The people of Grassy Narrows continue to fight to have the destruction of their health recognized, let alone have their lands and lives restored. Arguments about "greening the economy" with an all-Ontario electric vehicle supply chain that starts with minerals extracted from mainly Indigenous territories in this way begs the questions: what is the aim and who benefits?

What will happen to the talk about collaboration and standing-shoulder-to-shoulder when First Nations do not agree to give their consent and request measures which protect Mother Earth and make restitution to them and their communities in a meaningful way?

This house of cards will come crashing down -- again.

Note

1. [Windsor Mayor Requests Ministerial Intervention, Empower Yourself Now, June 15, 2022](#)

(All Ontario items in this TML Daily: [empoweryourselfnow.ca](#))



Puerto Rico

International Organizations Stand in Solidarity with the People of Puerto Rico



Scene from XXVI Seminar Parties and a New Society, held in Mexico City from September 22 to 24, 2022

Within the framework of the XXVI Seminar Parties and a New Society, held in Mexico City from September 22 to 24, 2022, 73 organizations from the 30 countries present unanimously expressed their solidarity with the people of Puerto Rico. They also accused both the Puerto Rican colonial administration and the United States government of creating the material conditions within which a Category One hurricane like Fiona caused so many tragedies for the people with a large part of Puerto Rico without electricity or water. More than 13 people have perished, thousands are at risk, houses have been lost, structures have collapsed, and floods have caused countless tragedies.

The government of Puerto Rico has negligently failed to fulfill its responsibility to maintain the infrastructure of the archipelago in good condition, thus propelling reservoirs and rivers to easily exceed their limits and endanger the structures and lives of surrounding residents.

It is shameful that in the 21st century, the United States possesses Puerto Rico as a colony and has imposed a Fiscal Control Board on it since 2016, created by the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). Under PROMESA, the control board has cruelly been an instrument used for the destruction and impoverishment of the people, taking away resources for vital essential services and transferring them to vulture bondholders in a process of collecting an illegitimate debt.

The Fiscal Control Board and the colonial government of Puerto Rico have imposed privatizations that have plunged the people into conditions of great suffering, especially the privatization of energy under the recently created U.S.-Canadian company Luma Energy. The government promoted this company as a world-renowned, experienced company that would improve the country's energy system and reduce rates.



Women's demonstration in Puerto Rico, September 2022, against Luma which they accuse, with the government, of leaving Puerto Rico without hydro and water services after Hurricane Fiona.

But the reality is that since Luma assumed control of the country's energy system in June 2021, the Puerto Rican people have experienced seven major blackouts, substation explosions, service instability resulting in many losses of domestic and industrial equipment, almost all caused by lack of proper maintenance of the electrical agency's facilities. In addition, they have increased the rate seven times. And as a punishment for the working class and people, the experienced labour force of the state energy agency was displaced and replaced with workers without the required experience. Many were brought from the United States and paid almost triple the salary that the displaced workers earned.

The cruel inefficiency of Luma and its defence by the colonial government have aggravated the current situation where even hospitals and care centers are without power, putting thousands of lives at risk. Faced with this calamity, the displaced workers from the Electrical Industry and

Irrigation Workers' Union and other national energy unions asked the government for an Executive Order to employ these experienced public servants and thus speed up the energy reconstitution process. However, Governor Pedro Pierluisi rejected this offer that would save Puerto Rican lives. Instead he prefers to endorse the hiring of foreign workers brought to Puerto Rico under onerous multimillion dollar contracts which add to the debt burden the people are forced to pay.

The eyes of the world are now on Puerto Rico and this terrible situation will be made known as widely as possible. The organizations participating in the XXVI Seminar urged the governments of Puerto Rico and the United States to take action to stop the enormous suffering of the Puerto Rican people.



Devastation caused by hurricane Fiona in Puerto Rico, September 2022

(Mexico City, September 24, 2022. Photos: Bandera Roja, P.T. Moreles, AJ Plus)



UN Committee Recognizes Puerto Rico's Right to Self-Determination, Independence

On June 20, the United Nations (UN) Special Committee on Decolonization — by consensus and for the 40th time — formally recognized Puerto Rico's right to self-determination and independence. It did so by again adopting Draft Resolution L7. The resolution calls for the U.S. to take immediate action to implement the UN's decolonization process for Puerto Rico, which includes removing all military and repressive forces, like the FBI, and returning these lands and facilities to Puerto Rico. It also requires the U.S. to take immediate steps "to transfer all powers to the peoples of" Puerto Rico "without any conditions or reservations," and refrain from "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity" of Puerto Rico.

The Special Committee heard from more than forty people denouncing U.S. colonization of Puerto Rico and calling on the UN to implement its decolonization procedures and bring the issue of Puerto Rican independence to the General Assembly. Many people fighting for independence spoke, while a rally by independentistas and their organizations was held outside UN headquarters.

People also called on the Committee, which has administrative powers, to open discussions with the U.S. and visit Puerto Rico and establish a mission there to oversee decolonization. Speakers brought out the determined resistance by Puerto Ricans to the numerous U.S. attacks on their rights and U.S. failure to provide even a minimum of aid to deal with the devastating hurricanes that have struck Puerto Rico in recent years. The development of mutual aid societies and other efforts by Puerto Ricans taking matters into their own hands were also brought out.



Pedro Luis Pedroso, Cuban ambassador to the UN, presented the resolution co-sponsored by Russia, Nicaragua, Bolivia, Venezuela, Syria, Barbuda, and Antigua. Pedroso concluded that the colonial case of Puerto Rico "is not an internal matter of the United States... it is up to the Decolonization Committee and the entire international community."

The Community of Latin American and Caribbean States (CELAC) and the Non-Aligned Movement (NAM), an international organization of 120 member states, many standing against U.S. domination, also expressed support for Puerto Rico's right to self-determination and independence.

Many Puerto Ricans speaking denounced the U.S.-imposed Puerto Rico Oversight, Management and Economic Stability Act (PROMESA), with its Control Board, known as La Junta. In the name of forcing Puerto Rico to pay debts accumulated illegally – and already paid many times over – since 2016 the Control Board has dictated major cuts to social services while guaranteeing payments to the Wall Street financiers. The many cuts include slashing pensions by 40 per cent and raising the retirement age by eight years; cutting the public Puerto Rico University budget by 50 per cent as part of efforts to privatize it; closing scores of public schools with more closures planned; other efforts to privatize public utilities and services, and more. Numerous strikes and demonstrations have been waged against La Junta, representing the stand of Puerto Ricans for their rights and against U.S. dictate. PROMESA is yet another tool of U.S. colonization denounced by many speaking before the Special Committee.

People also brought out that the draft U.S. bill, the Puerto Rico Status Act, does not comply with the minimum requirements of international law concerning decolonization, such as removing military, political and economic interference and influence and putting power in the hands of Puerto Ricans before any vote is taken. As one speaker put it, after 124 years of colonialism and repression by the U.S. and its FBI, as well as dozens of assassinations, it is hard to believe that "we can freely use the vote." The Act does include independence as one option, along with statehood and "Sovereignty in Free Association with the United States," which is not clearly defined. The bill is currently in draft form in the U.S. House of Representatives Natural Resources Committee.

As the many strikes and continuing struggles in Puerto Rico and actions in the U.S. have made clear, Puerto Ricans will not stop resisting until U.S. colonization is ended and self-determination

and independence achieved.



UN Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural, and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all

its forms and manifestations,

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

(General Assembly Resolution 1514 (XV))



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