

TO THE COUNCIL OF THE CITY OF TORONTO:

RE: PREVIOUS AND CURRENT MOTIONS BEFORE THE COUNCIL WITH RESPECT TO
THE OFFICE OF MAYOR OF THE CITY OF TORONTO

From: George Rust-D'Eye, lawyer, submitted on behalf of Mayor Rob Ford

Dear Members of Council:

This is further to my previous letter distributed, on behalf of the Mayor, to Members at the Council meeting held on November 15, providing my submissions to the Council relating to Notices of Motion which, taken together, are directed to taking away from the Mayor, for the remainder of this term of Council, all powers and authority, and a substantial portion of the administrative resources and accessibility, conferred upon his office through existing By-laws of the City.

In my previous communication to the Council, a copy of which is attached, I quoted the provisions of sections 133 and 134 of the City of Toronto Act, ["COTA"], which establish the role and responsibilities of the Mayor of the City, including acting as its chief executive officer. I urge Members of Council to review that letter, which sets out principles of law which also form the basis for the following:

The responsibilities of the Mayor are unique to that position, and are in addition to his role as a Member of Council.

The proposals before the Council (as adopted on November 15, and the subject of a further NOTICE OF SPECIAL MEETING for consideration by Council on November 18, which includes generalized and ambiguous recommendations), would lead the Council to purport to act administratively to relegate the Mayor to the same position as other Members of Council, contrary to, and designed to defeat, the legislated allocation of roles and responsibilities of the Council, and the head of council.

It is respectfully submitted that it is the duty of the Council to act, and exercise its powers, in the public interest, in accordance with its enabling legislation, and on the basis of established facts, and proper consideration of the merits of the issues before it, taking into account only grounds relevant to those issues.

GROUNDS FOR THESE SUBMISSIONS

The Legislature of the Province of Ontario has seen fit to legislate specifically the role and responsibilities of the City's head of Council. COTA does not authorize City Council to amend that legislation, ignore or make exceptions to it, or purport to accomplish any of those actions indirectly by making drastic changes to the ground rules, which would have the purpose and effect of preventing the Mayor from exercising the responsibilities of his office.

The Mayor was duly chosen by general vote of City electors, to fulfill his role as head of council and the City's chief executive officer. This would have included the expectation that he would be provided with the necessary and appropriate budget, staff and accessibility to Council proceedings and process, in accordance with Provincial and City legislation and authorities intended for that purpose.

There are no reports or information before the Council alleging that Mayor Ford has failed to comply with the responsibilities of his office, or that he has abused his powers in any way.

The proposal to suspend all of the existing Council rules and procedures, and to strip the Mayor of all of the powers, and most of the resources, which Council has previously considered appropriate and necessary to enable him to do his job during this term of Council, is clearly intended to publicly punish and humiliate him, on the basis of alleged personal conduct outside of Council chambers.

SUBMISSIONS

If it is alleged that the Mayor's conduct has breached one or more of the requirements of the Council's Code of Conduct, the proper route to follow is for a complaint to be filed with the City's Integrity Commissioner, leading to an inquiry, and a report back to the Council, setting out findings of fact, and recommendations for its appropriate consideration and action.

The clear intent of the proposals before the Council are to transfer the statutory powers and responsibilities of the Mayor, who was elected to that position by general vote across the City, to the Deputy Mayor, who was elected by the voters in one ward, and who was appointed to his office by the Mayor, under the provision of the Council's Procedures By-law, which authorizes him to do so.

I respectfully submit that the Council should not exercise its administrative powers in such a way so as to interfere with or infringe the statutory powers and responsibilities of its Mayor.

I have been advised by The Toronto Party for a Better City, of its interest in intervening in support of the Mayor's position in any litigation brought to challenge the City Council's actions against him.

I close by quoting the words of the Party, as set out in its communication to me:

"We believe that these votes are ultra vires [beyond the jurisdiction] of council and are discriminatory, motivated by malice and vindictiveness on the part of City Council. As Anthony Perruzza described, City Council has effectively carried out a coup d'etat. The action of council is unprecedented."

The foregoing is submitted to City Council on behalf of Mayor Rob Ford, for your consideration.

Yours truly,

(signed)

George Rust-D'Eye