



Strong Mayor Powers

Part VI.1 of the Municipal Act 2001



Purpose of the Presentation

- To provide a high-level overview of the Strong Mayor Powers in Part VI.1 of the Municipal Act, 2001 and associated Regulations
 - Part VI.1 of the Act does not allow a municipality to “opt-out” of the Strong Mayor Powers
 - Even if the Strong Mayor Powers are never used, processes must align to the new rules

**This presentation will not discuss the merits of the Strong Mayor Powers



Strong Mayor Powers-Background

- Bill 3, the Strong Mayors, Building Homes Act, 2022, received Royal Assent on September 8, 2022
- Bill 3 added Part VI.1-Special Powers and Duties of Council to the Municipal Act, 2001
- Bill 39, the Better Municipal Governance Act, 2022 received Royal Assent on December 8, 2022
- Bill 39 amended Part VI.1 of the Municipal Act, 2001
- Ontario Regulation 530/22 amended May 1st expanding the Strong Mayor Powers to an additional 170 Municipalities including the Town of Minto**

** The powers were provided to heads of council of single and lower-tier municipalities with councils of six members or more.

Strong Mayor Powers-Categories

The Strong Mayor Powers in Part VI.1 of the Act fall into three broad categories

- Legislative Powers (ex: the power to veto by-laws, the power to require Council to consider a matter)
- Administrative Powers (ex: the power to appoint a CAO, the power to establish committees)
- Financial Powers (ex: the duty and responsibility to present a budget to Council, and to approve the budget)

The Mayor cannot delegate the Legislative Powers

The Mayor can delegate Administrative Powers

The Mayor can forfeit Financial Powers

* The Deputy Mayor cannot exercise mayoral decisions.*



Legislative Powers-Provincial Priorities

The Legislative Powers are connected to the Provincial Priorities as defined in the Regulations

Reg 580/22 states the Provincial Priorities are:

1. Building 1.5 million new residential units by December 31, 2031.
2. Constructing and maintaining infrastructure to support housing, including,
 - i. transit,
 - ii. roads,
 - iii. utilities, and
 - iv. servicing.



Legislative Powers-Provincial Priorities

The Mayor can bring to Council matters that may advance the prescribed Provincial Priorities

The Mayor can also bring to Council and require them to consider and vote on By-laws** that may advance the prescribed Provincial Priorities

**By-laws under the Municipal Act, 2001, Planning Act and Development Charges Act (does not apply to the Town's Procedural By-law)

** Passed if more than one-third of Council votes in favour.



Legislative Powers - Veto

The Strong Mayor Powers give the Mayor veto power over certain By-laws under the Municipal Act, 2001, the Planning Act and any other prescribed Act or regulation or prescribed section of an Act or regulation.

Section 284.11 (5) of the Municipal Act states:

..."if the head of council is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority, the head of council may veto the by-law by providing to the clerk, on the day of the veto, a written veto document that includes the veto and the reasons for the veto."

Legislative Powers – Veto Process

Process outline:

1. Council approves a By-law with a simple majority vote.
2. The Mayor has 48 hours to approve the bylaw, veto the By-law or indicate an intention to consider vetoing the bylaw.
3. If a notice of intention to consider vetoing a By-law is issued, the Mayor has up to 14 days after the original date that Council approved the By-law to issue a veto.
4. If the Mayor vetoes a bylaw, the By-law is immediately deemed to have not been passed by Council.

Legislative Power – Veto Powers

5. Within 21 days of a mayoral veto, Council may attempt to override the veto. A vote to override a mayoral veto requires two-thirds of Council voting in favour to pass. The mayor may vote in any attempted override of a veto.
6. To call a meeting for the purpose of attempting to override a veto, five (5) members of Council must petition the Clerk in writing with a request for a special Council meeting.
7. If Council overrides a mayoral veto, the By-law is immediately deemed to have been passed.



Legislative Powers-Propose By-laws

The Mayor may introduce a bylaw which they believe could potentially advance a prescribed provincial priority. Such a bylaw can be introduced notwithstanding any rules established in the Procedure Bylaw.

Section 284.11.1 (2) ...if the head of council is of the opinion that a by-law could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting.



Legislative Powers-Propose By-laws Process Draft

1. The Mayor may introduce a proposed bylaw at any meeting of Council by providing a copy of the proposed bylaw to the Clerk and Council.
2. Council is required to consider and vote on the proposed By-law at a meeting.
3. A By-law introduced by the Mayor requires more than one-third of Council ** voting in favour to pass.
4. The By-law is adopted and in force following Council approval with a vote of more than one-third in favour.

** The Mayor is also able to vote on passing the by-law.



Legislative Powers- Consideration

The Mayor can bring forward matters for council consideration if they are of the opinion that considering the matter could potentially advance a provincial priority under O. Reg. 580/22: Provincial Priorities.

When bringing forward such a matter for Council consideration, the Mayor should consider whether any rules with respect to notice and public consultation apply to the exercise of a particular municipal authority. (ex: planning applications).



Administrative Powers- Committees

The Mayor can create new committees of council made under the Municipal Act, 2001 where all members are council members, and assign their functions. The Mayor is also able to appoint the chairs and vice-chairs of such committees of council.



Administrative Powers – staff and organizational structure

The Mayor can choose to appoint their municipality's CAO. *

They can also establish the organization structure of the Town and have the power to hire, dismiss or exercise any other prescribed employment powers with respect to the head of any division or any other part of the organizational structure.**

* Can be delegated to Council

** Can be delegated to CAO or Council



Administrative Powers – staff and organizational structure

- Directions to Municipal Employees
- Section 284.3 of the Act grants the Mayor the authority to direct municipal staff to:
- undertake research, provide advice and carry out duties related to Part VI.1 of the Strong Mayor Powers Act. In practice, this means the Mayor can direct staff with regards to any authority or power granted to the Mayor as part of Bill 3, Strong Mayors, Building Homes Act, 2022.



Administrative Powers – Statutory Officers

The Mayor can hire or dismiss certain municipal division heads ☐— excluding statutory positions. Positions that are excluded from this power including:

- Clerk or Deputy Clerk
- Treasurer or Deputy Treasurer
- Chief Building Official
- Fire Chief

When making any changes to the organizational structure of the municipality, the Mayor and municipality are subject to legal requirements including any terms in existing collective agreements or contracts that may apply.



Financial Powers - Budget

Under Part VI.1 of the Municipal Act, the Mayor is assigned the “powers and duties with respect to proposing and adopting a budget”.

The Mayor may exercise this authority by issuing a mayoral direction to Town staff to prepare a budget.



Financial Powers – Budget Process Draft

1. The Mayor proposes a municipal budget and presents it to Council or forfeit preparing a budget and direct staff to do so.
2. Council can amend the proposed budget by passing a resolution within a 30-day review period*. Budget amendments require a simple majority to pass.
3. Within 10 days* of the final day in which Council may approve amendments, the Mayor may veto budget amendments passed by Council. Mayoral budget vetoes are distributed as mayoral decisions.
4. Within 15 days* of the final day in which the Mayor may veto amendments, Council may meet to attempt to override mayoral vetoes. A vote to override a mayoral budget veto requires two-thirds of Council voting in favour to pass. The Mayor may vote in any attempt to override a veto.



Financial Powers – Budget Process Draft

5. Following the presentation, amendment, veto and override process, the budget is deemed to have been adopted.

*There are mechanisms in place to enable Council and the Mayor to shorten their respective review, veto and override periods. For example, Council could pass a resolution to shorten their review and override period, and the Mayor could provide written documentation to Council and the Clerk to shorten the veto period.



Mayoral Decisions and Directions

The mayoral power to veto bylaws, veto budget amendments, delegate authority or exercise authority under Part VI.1 of the Municipal Act is set out through mayoral decisions. For all Mayoral decisions, the Mayor is required to provide written documentation to the Clerk and members of Council by the next business day. They are **required** to make the decisions available to the public.

Any mayoral directions must be related to the duties outlined in Part VI.1 of the Municipal Act. All mayoral directions are required to be issued in writing and circulated to the Clerk, CAO and Council. They are **not required** to be made public.

Next Steps

Staff are reviewing the policy implications and will work with Council to ensure procedures are put in place to reflect these recent changes. Additional information and proposed amendments will be forthcoming for consideration.

Changes are possible for:

The Procedural By-law

Code of Conduct Policy **

Council-Staff Relations Policy

HR Policies

** Announced on May 1st The Province is re-introducing legislation to create a standardized municipal code of conduct “[Ontario Taking Action to Strengthen Local Governance](#)”

Questions/Comments

