



Strong Mayors Powers

Part VI.1 of the *Municipal Act, 2001*

Purpose of the Presentation

- To provide a high-level overview of the Strong Mayors Powers in Part VI.1 of the *Municipal Act, 2001* and associated Regulations
 - This presentation will not discuss the merits of the Strong Mayor Power
- To provide an overview of staff's plan to review and integrate the Strong Mayor Powers into various by-laws, policies and process
 - 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 (even only if on paper)

Strong Mayor Powers-Background

- Bill 3, the *Strong Mayor, Building Homes Act, 2002*, received Royal Assent on September 8, 2022
- Bill 3 added **Part VI.1-Special Powers and Duties of the Head 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*

Strong Mayor Powers – Municipalities

- Ontario Regulation 530/22
 - Currently provides Strong Mayor Powers to 47 municipalities in Ontario
 - Proposed amendment to take effect May 1, 2025
 - Will extend the Strong Mayor Powers to an additional 169 municipalities
 - Town of Essex is included in the list of additional municipalities

Strong Mayor Powers-Categories

- The Strong Mayor Powers in Part VI.1 of the Act fall into three broad categories
 - **Legislative Powers** (e.g. the power to veto by-laws, the power to require Council to consider a matter)
 - **Administrative Powers** (e.g. the power to appoint a CAO, the power to establish committees)
 - **Financial Powers** (e.g. the duty and responsibility to present a budget to Council, and to approve the Budget)
- The Mayor cannot delegate Legislative Powers
- The Mayor can delegate Administrative Powers
- The Mayor can forfeit Financial Powers

Legislative Powers-Provincial Priorities

- The Legislative Powers are connected to Provincial Priorities as defined in the Regulations
- O. Reg. 580/20 states that the Provincial Priorities are:
 1. Building 1.5 million new residential until by December 31, 2031
 2. Constructing and maintaining infrastructure to support housing, including transit, roads, utilities and servicing

Legislative Powers – Provincial Priority Matters

- 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*
 - Passed if more than one-third of Council votes in favour
 - This power does not apply to the Town's Procedural By-Law

Legislative Powers-Veto

- The Strong Mayor Powers give the Mayor veto power over certain by-laws
 - Under the *Municipal Act, 2001*
 - Under the *Planning Act*
 - Under other legislation prescribed in the regulations
 - e.g. the *Development Charges Act* is prescribed legislation in O.Reg. 530/02
- The veto can only be used when the Mayor is of the opinion that all or part of a by-law could potentially interfere with a Provincial Priority

Legislative Powers-Veto (continued)

- There is a process that must be followed to veto a by-law
- Within 48 hours of a By-Law being passed, the Mayor must (by written notice):
 - a) Approve the By-Law;
 - b) Veto the By-Law, with reasons (a “veto notice”); or
 - c) Indicate notice of intention to consider vetoing the By-Law.
- The Clerk is required to provide a copy of all approvals and notices to Members of Council and the public
 - Public notice provided through the Town’s website
- If the Mayor has given notice of intention to veto, within 14 days of the Council meeting, the Mayor is required to
 - Provide written approval of the by-law; or
 - Veto the By-Law in writing (a veto notice) with reasons

Legislative Powers-Veto (continued)

- Within 21 days of receiving a veto notice from the Clerk, Council can override the veto with a 2/3 vote
 - The Mayor can vote on the proposal to override the veto
- If members of Council want to override a veto this would have to be by:
 - Members Motion at a Regular Council Meeting; or
 - At a Special Council meeting called by the Mayor or a majority of Council for that purpose

Administrative Powers-Committees

- The Strong Mayor Powers includes the following Administrative Powers regarding Committees
 - The power to establish and dissolve committees
 - The power to appoint chair and vice-chair of committees
 - The power to assign functions to committees
- O. Reg 530/22 states that these powers only apply to committees whose members are solely members of Council
- The powers regarding Committees can be delegated to Council

Administrative Powers-CAO

- The Strong Mayor Powers includes the following Administrative Powers regarding the CAO
 - The power to appoint a CAO
 - Can be delegated to Council
- The Strong Mayor Powers include the following Administrative Powers related to the Organizational Structure
 - The power to establish Organizational Structure for the Municipality
 - 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 or the CAO

Administrative Powers-Statutory Officers

- The Strong Mayor Powers related to organization structure does not include the power to hire or dismiss statutory officers including:
 - Clerk or Deputy Clerk
 - Treasurer or Deputy Treasurer
 - Integrity Commissioner, Ombudsman or Auditor General
 - Chief Building Official
 - Fire Chief

Financial Powers-Budgets

- Under Strong Mayor Powers, the Mayor is assigned the “powers and duties with respect to proposing and adopting a budget”
 - Under Part VI.1 of the Act, Council does not approve Town Budget – this responsibility now belongs to the Mayor
- O. Reg. 530/22 defines a process to approve budgets:
 - The Mayor is required to provide a proposed budget to Council, the Clerk and the public by February 1st of each year
 - If the Mayor does not propose a budget to Council by February 1st, Council is responsible for preparing and adopting a budget
- May be forfeited by directing Town Administration through written notice to prepare the budget

Financial Powers-Budgets (Continued)

- O. Reg. 530/22 defines a process to approve budgets
 - Within 30 days of the Mayor proposing a budget, Council may pass resolutions amending the proposed budget
 - Council may pass a resolution to shorten this 30-day period
- If Council does not pass resolutions amending the budget within the 30 days (or shorter period) if applicable, then the budget proposed by the Mayor is deemed adopted
- The Mayor may veto any amendments approved by Council
 - Council can override the veto on a 2/3 vote

Exercising Powers and Public Disclosure

- All Strong Mayor Powers must be exercised in writing (i.e. Mayoral Decisions under Part VI.1 of the Act must be written and signed)
- Any Mayoral Decision under Part VI.1 of the Act must be made public

Next Steps

- Should the proposed amendments to O. Reg 530/22 come into force:
 - I. Part VI.1 of the Act (the Strong Mayor Powers) will apply to the Town of Essex as of May 1, 2025
 - i. The Town and Mayor cannot simply opt-out of these rules
 - ii. No one, including Council or the Mayor, can fetter or ignore the rules
 - II. Town By-Laws, policies, practices and processes must be updated to reflect the existence of these Powers, even if they are never used
 - III. A webpage on the Town's website to post Mayoral Decisions will be made available to the public (e.g. for Public Disclosure)

Next Steps (Continued)

- As of April 15, 2025, the Mayor has indicated that the current administrative practices approved by Council will be maintained
- The Mayor has notified the Clerk that as of May 1, 2025, she will make the following delegations:
 - The power to establish prescribed Committees and assign their functions will be delegated to Council
 - The power to appoint chairs and vice chairs of prescribed Committees will be delegated to Council
 - The power to appoint the CAO will be delegated to Council
 - The power to hire and dismiss division heads will be delegated to the CAO
 - The responsibility for the Town's Organizational Structure will be delegated to the CAO
- These decisions will be posted on the new Mayoral Decision webpage and will, consistent with the Mayor's commitment, maintain the Town's current practices

Next Steps (Continued)

- Over the upcoming months, administration will be reviewing by-laws, policies, procedures and practices to ensure consistency/compliance with the Strong Mayor Powers
- Administration will report back in the Fall with more information about the Strong Mayor Powers and any changes that may be required

Recommendation

- That the presentation by Joe Malandruccolo, Director, Legal and Legislative Services/Clerk be received for information.



Questions?