



Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: April 22, 2025

Prepared by: Joe Malandruccolo, Director, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2025-04

Subject: Strong Mayor Powers

Number of Pages: 27, including attachments

Recommendation(s)

That Legal and Legislative Services Report 2025-04 entitled Strong Mayor Powers prepared by Joe Malandruccolo, Director, Legal and Legislative Services/Clerk dated April 22, 2025 be received for information.

Purpose

To introduce the Ontario Government's proposed amendments to Ontario Regulation 530/22 (O. Reg 530/22), provide Council with a high-level overview of the Strong Mayor Powers in Part VI.1 of the *Municipal Act, 2001*, and associated Regulations and to provide an overview of Administration's plan to review and integrate the Strong Mayor Powers into various By-Laws, policies and processes of the Town.

Background and Discussion

On April 9, 2025, the Ontario Government announced a proposed amendment to O. Reg 530/22 that would expand Strong Mayor Powers framework to the heads of council of an additional 169 municipalities effective May 1, 2025, with the Town of Essex being one of the 169 municipalities. Currently, the framework applies to 47 municipalities in Ontario.

Mayoral decisions using these new powers fall into three broad categories, being Legislative Powers, Administrative Powers and Financial Powers. There is no option for a municipality to opt-out of the Strong Mayor Powers. Of the three broad categories, Legislative Powers cannot be delegated or forfeited. Administrative Powers can be delegated. Financial Powers can be forfeited.

Legislative Powers

Legislative Powers are connected to Provincial Priorities. O. Reg. 580/22 states that the Provincial Priorities are building 1.5 million new residential units by December 31, 2031, and constructing and maintaining infrastructure to support housing, including transit, roads, utilities, and servicing. *The Mayor cannot delegate Legislative Powers.*

Through Legislative Powers, 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 under the *Municipal Act, 2001*, the *Planning Act*, and other legislation prescribed in O. Reg. 530/02 such as the *Development Charges Act* that may advance the prescribed Provincial Priorities. Such By-Laws are passed if more than one-third of Council votes in favour. This power does not apply to the Town's Procedural By-Law.

The Legislative Powers also provide the Mayor with veto power over certain By-Laws under the *Municipal Act, 2001*, the *Planning Act*, and other legislation prescribed in O. Reg. 530/02 such as the *Development Charges Act*. The veto can only be used when the Mayor is of the opinion that all or part of the By-Law could potentially interfere with a Provincial Priority set out in O. Reg. 580/22.

In practice, this means that, within 48 hours of a By-Law passing at a council meeting, the Mayor must do one of the following:

- a) Approve the By-Law in writing;
- b) Veto the By-Law (with reasons) through a veto notice; or
- c) Indicate notice of intention to consider vetoing the By-Law.

This is accomplished by the Mayor providing notice in writing to the Clerk who is then required to provide a copy of the notice to Council. The Clerk is also required to provide a copy of the notice to the public, which will be accomplished through an online repository stored on a dedicated page on the Town's website.

Should the Mayor exercise a notice of intention to veto a By-Law, 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.

Within 21 days of receiving a veto notice from the Clerk, Council can override the veto with a 2/3 vote.

Administrative Powers

Administrative Powers includes the power to establish and dissolve committees, appoint the chair and vice-chair of committees and the power to assign functions of 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 also includes the power to appoint a CAO, the power to establish Organizational Structure of the municipality, and 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. This does not include the power to hire or dismiss statutory officers including the Clerk or Deputy Clerk, Treasurer or Deputy Treasurer, Integrity Commissioner, Ombudsman or Auditor General, Chief Building Official and the Fire Chief. *The Administrative Powers related to appointing a CAO can be delegated to Council.*

The Administrative Powers related to organizational structure and employment powers can be delegated to Council or the CAO.

Financial Powers

The Mayor is assigned the powers and duties with respect to proposing and adopting a budget. *The Financial Powers related to the Town Budget cannot be delegated, however can be forfeited.*

Under Part VI.1 of the *Municipal Act, 2001*, Council does not approve the Town Budget. This responsibility now belongs to the Mayor. However, O. Reg. 530/22 defines the process to approve budgets requiring the Mayor 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.

O. Reg. 530/22 outlines the process to approve budgets requiring that 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, the budget proposed by the Mayor is deemed adopted.

The Mayor may veto any amendments approved by Council however, Council can override the veto with a 2/3 vote.

In practice, Mayors from other municipalities have forfeited their Financial Powers by directing Town Administration through written notice to prepare the budget.

Next Steps

Should the Ontario Government's proposed amendments to O. Reg 530/22 come into force, the Strong Mayor Powers will apply to the Town of Essex as of May 1, 2025. As a result, the By-Laws, policies, practices and processes of the Town will be updated to reflect these Powers, even if they are never used.

Administration will have to undertake additional work to transition the municipality to the Strong Mayor Powers, such as:

- Creating an online repository to post mayoral decisions and directions
- Creating templates for decisions, notices, vetoes and overrides
- Making amendments to By-Laws and policies
- Increased communications and education on these changes will be required for the Town administration, Town Council and the public to best understand how decisions are made by Council or the strong Mayor going forward.

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.

Financial Impact

There is no financial impact as a result of this report at this time.

Consultations

Shelley Brown, Deputy Clerk

Cory Simard, Manager, Legal, Licensing and Enforcement

Doug Sweet, Chief Administrative Officer

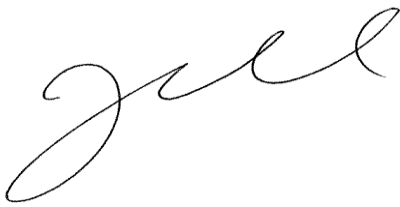
Link to Strategic Priorities

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ Leverage our Town's competitive advantages to promote jobs and economic investment.
- ☐ Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- ☒ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Strong Mayor Powers - Legal and Legislative Services-2025-04.docx
Attachments:	- Strong Mayors Powers (Regular Meeting).pptx
Final Approval Date:	Apr 16, 2025

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'J. Malandruccolo', written in a cursive style.

Joseph Malandruccolo, Director, Legal and Legislative Services/Clerk - Apr 16, 2025 - 2:36 PM

A handwritten signature in black ink, appearing to read 'Doug Sweet', written in a cursive style.

Doug Sweet, Chief Administrative Officer - Apr 16, 2025 - 3:09 PM