

Strong Mayor Powers and Duties

Council in Committee, May 20, 2025

Overview

- Legislation and Regulations
- Provide a High-Level Overview of Strong Mayor Powers
 - Legislative
 - Administrative

Legislation : Amendments to the Municipal Act

The *Municipal Act, 2001* governs Municipal responsibilities and powers

1. Strong Mayor, Building Homes Act, 2022 (Bill 3) came into force on November 22, 2022
 - This bill added “Part VI.1 -Special Powers and Duties of the Head of Council” - to the *Municipal Act, 2001*
 - Part VI.1 are the rules commonly referred to as “Strong Mayor Powers”
2. Better Municipal Governance Act, 2022 (Bill 39) came into force on December 20, 2022
 - This bill amended the previous amendment to create additional powers

Ontario Regulation 530/22 – as amended

- Provides specific provisions and requirements regarding Part VI.1 of the Municipal Act
- The amended regulation expands the list of designated municipalities where those provisions apply as of May 1, 2025
 - The expanded list now includes Haldimand County
 - After accepting strong mayor powers and duties
 - there is no jurisdiction for municipalities to decline or refuse to be designated by regulation under the Act.
 - There is no discretion to the Mayor or to municipal Council to refuse to accept or to impose local restrictions on the assigned strong mayor powers and duties under the Municipal Act

Ontario Regulation 580/22 – Provincial Priorities

- The regulation identifies provincial priorities prescribed for the purposes
 - Building 1.5 million new residential units by December 31, 2031
 - Haldimand County was assigned a specific housing target of 4,200 new homes to be constructed by 2031
 - Constructing and maintaining infrastructure to support housing, including transit, roads, utilities, and servicing

Strong Mayor Powers - Overview

Special Powers and Duties of the Mayor

- The Strong Mayor Powers in Part VI.1 of the Municipal Act can be organized into three broad categories
 1. Legislative Powers (example: the power to veto by-laws, the power to require Council to consider a matter)
 2. Administrative Powers (example: the power to appoint a CAO, the power to establish committees)
 3. Financial Powers (example: the duty and responsibility to present a budget to Council, and to approve the budget)
- The Mayor cannot delegate Legislative and Financial Powers
- The Mayor can choose to delegate Administrative powers
- These powers and duties do not fall to the deputy Mayor in the Mayor's absence

Legislative Powers

1. Veto of by-laws
2. Approval of by-laws

1. Legislative Powers - Provincial Priorities

- The Legislative Powers are connected to the Provincial Priorities as defined in O. Reg, 580/22
- Provincial Priorities stated in the regulation 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 - Veto

- The Strong Mayor Powers give the Mayor veto power over certain by-laws
 - Under the *Municipal Act, 2001*
 - Under the *Planning Act, 1990*
 - Under other legislation prescribed in the regulations
 - E.g. the *Development Charges Act, 1997*
- 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
 - After Council votes on a by-law, the Mayor must provide notice of intention to veto to the Clerk within two days
 - The Clerk is required to provide a copy of the notice to members of Council and the public
- When 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

2. Legislative Powers – Veto (Continued)

- Within 21 days of receiving the veto notice from the Clerk, Council can override the veto with a 2/3 vote
 - The Mayor can vote on the proposal to override a 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
- If the Mayor decides not to veto a by-law, a “decision to not veto by-laws” will be added to the Mayoral Decisions database

Legislative Powers – Approval of By-laws

- Part VI.1 requires the Mayor to approve in writing all by-laws related to provincial priorities
- Because the provincial priorities are very broadly defined, to ensure compliance with the Strong Mayor Powers, the Mayor will be required to sign a written Mayoral Decision approving all by-laws (including the Confirmatory By-law) for each meeting of Council
- These approvals will be publicly posted on the County's website

Administrative Powers

1. Committees
 2. Chief Administrative Officer
 3. Organizational Structure
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1. Administrative Powers - Committees

- The Strong Mayor Powers includes Administrative Powers regarding Committees
 - The power to establish and dissolve committees
 - The power to appoint chair and vice-chairs of committee
 - 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

2. Administrative Powers – Chief Administrative Officer

- The Strong Mayor Powers include the following Administrative Powers related to the Chief Administrative Officer (CAO)
 - The power to dismiss and appoint a Chief Administrative Office
- The powers regarding the Chief Administrative Officer can be delegated to Council

3. Administrative Powers – Organizational Structure

- The Strong Mayor Powers include the following Administrative Powers related to the Organizational Structure:
 - The power to establish Organizational Structures 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 organization structure
- The Strong Mayor Powers related to organization structure does not include the power to hire and dismiss statutory officers including:
 - Municipal Clerk or Deputy Clerk
 - Treasurer or Deputy Treasurer
 - Integrity Commissioner, Ombudsman, or Auditor General
 - Chief Building Official
 - Fire Chief
- The Administrative Powers related to organizational structure can be delegated to Council or the CAO

Financial Powers

1. Budgets

1. 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 County Budgets – this responsibility now belongs to the Mayor
- Under O. Reg. 530/22
 - The Mayor is required to provide a proposed budget to Council, the Clerk and the public by February 1 of each budget year
 - If the Mayor does not propose a budget to Council by February 1, Council is responsible for preparing and adopting a budget

Financial Powers – Budgets

- Under O. Reg. 530/22
 - 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

Public Disclosure

Exercising Powers and Public Disclosure

- All Strong Mayor Powers must be exercised in writing
 - 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
 - These will be posted on the Haldimand County website

Conclusion

- Part VI.1 of the Act (the Strong Mayor Powers) apply to Haldimand County as of May 1, 2025
- Haldimand County and the Mayor cannot opt-out of any of these powers and duties
- Strong Mayor Powers offer resources for Haldimand to meet Provincial Priorities
- A Mayoral Decision webpage has been added to the County Website to provide a basic overview for members of the public and post decisions
- Staff continue to review the legislation and confer with other municipalities to determine best practices
- Staff have obtained a legal opinion of the interpretation of this legislation