



# **Strong Mayor Powers**

## **(Part VI.1 of the *Municipal Act, 2001*)**

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Presentation to Council

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# 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
  - This presentation will not discuss the merits of the Strong Mayor Powers
- To provide an overview of staff's plan to review and integrate the Strong Mayor Powers into various by-laws, policies and processes
  - 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, 2022* 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*
  - Part VI.1 are the rules commonly referred to as “Strong Mayor Powers”
- 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 - 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 City Manager, 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 and Financial Powers
- The Mayor can delegate Administrative Powers

# Legislative Powers – Provincial Priorities

- The Legislative Powers are connected to the Provincial Priorities as defined in the Regulations
- O.Reg. 580/20 states that 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 – 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. 530/22
- 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 (Cont'd)

- 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 2 days
  - The Clerk is required to provide a copy of the notice to Members of Council and the public
- 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 (Cont'd)

- 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



# 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 City's website

# 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-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

# Administrative Powers – City Manager

- The Strong Mayor Powers include the following Administrative Powers related to the Chief Administrative Officer (City Manager)
  - The power to appoint a Chief Administrative Officer (City Manager)
- 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

# Administrative Powers – Statutory Officers

- The Strong Mayor Powers related to organization structure does not include the power to hire and dismiss statutory officers including:
  - City 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 City Manager

# 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 City Budgets – 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 1 of each 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 (Cont'd)

- 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

- Part VI.1 of the Act (the Strong Mayor Powers) apply to Richmond Hill as of July 1, 2023
  - The City and Mayor cannot simply opt-out of these rules
  - No one, including Council or the Mayor, can fetter or ignore the rules
- By-laws, policies, practices and processes may have to be updated to reflect the existence of these Powers, even if they are never used
- A Webpage on the City's website to post Mayoral Decisions is being prepared (e.g. for Public Disclosure)



# Next Steps (Cont'd)

- The Mayor has indicated that the current administrative practices approved by Council will be maintained
- The Mayor has notified the Clerk that as of July 1, 2023, he will make the following delegations:
  - The power to establish Committees will be delegated to Council
  - The power to appoint the City Manager will be delegated to Council
  - The responsibility for the City's Organizational Structure will be delegated to the City Manager
- These decisions will be posted on a new Mayoral Decision webpage and will, consistent with the Mayor's commitment, maintain the City's current practices

# Next Steps (Cont'd)

- Over the Summer, staff will be reviewing By-laws, Policies, Procedures and practices to ensure consistency/compliance with the Strong Mayor Powers
- One of the key areas of reviews will be to make sure that Council has a meaningful role in the budget process, while still ensuring that the City is complying with Strong Mayor Powers
- Staff 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 of the City Clerk in respect to Strong Mayor Powers be received for information.