

Attachment A

Strong Mayor Powers **(Part VI.1 of the *Municipal Act, 2001*)**

Stephen M.A. Huycke
Director, Legislative Services/City Clerk
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 appointment of 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.