



Report

Subject: Strong Mayor Power Legislation

Department: Corporate Services

Division: Clerks

Report #: CPS-2025-035

Meeting Date: 2025-05-12

Recommendations

That report CPS-2025-035, Strong Mayor Power Legislation, be received for information.

Overview

The purpose of this report is to provide Council with an overview of the Strong Mayor Power Legislation which was recently expanded to include the Town of Orangeville effective May 1, 2025 to help deliver on provincial priorities, such as building more homes, transit and other infrastructure across Ontario.

Background

April 9, 2025 – Minister of Municipal Affairs and housing announced the expansion of strong mayor powers to 169 additional municipalities through an amendment to O. Reg. 530/22 to come into effect on May 1, 2025.

June 16, 2023 – Minister of Municipal Affairs and Housing announced the expansion of the Strong Mayor powers under Bill 3, Strong Mayors, Building Homes Act, 2022 and Bill 39, Better Municipal Governance Act, 2022 to mayors of 26 large and fast-growing municipalities beyond the City of Toronto and City of Ottawa.

The powers and duties are designated in [Ontario Regulation 530/22](#), as amended, in order to support and advance the Provincial Priorities set out in [Ontario Regulation 580/22](#).

At this time, the following are prescribed as the Provincial Priorities pursuant to O. Reg. 580/22:

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.

Analysis/Current Situation

The Strong Mayor powers and duties include:

- Responsibility for the budget;
- Ability to veto certain by-laws passed by Council;
- Power to decide whether to appoint a CAO and to make the appointment;
- Power to appoint and remove managers at any level;
- Power to modify and establish organizational structure;
- Power to establish structure and mandate of prescribed committees;
- Power to appoint Chairs and Vice Chairs of prescribed committees and local boards;
- Ability to require Council to consider a matter at a meeting; and,
- Authority to direct employees to undertake research and provide advice to the Mayor and the municipality, and to carry out duties to implement those decisions, including those of the Mayor.

The Mayor may delegate some of these powers to Council or to the Chief Administrative Officer (“CAO”) through the use of a Mayoral Decision form. There are powers that cannot be delegated and in the absence of the Mayor, these powers cannot be delegated to a Deputy or Acting Mayor. Attachment 1 provides a summary of the powers and duties, under Part VI.I of the Municipal Act, 2001.

On May 5, 2025, Mayor Post has exercised her authority under the Act to delegate her authority, where allowable, in order to return duties that were in effect prior to the legislation back to the responsible parties through the following:

1. MDI-2025-001 – Direction to staff to prepare and present the budget
2. MDE-2025-001 – Delegate powers regarding organizational structure and employment matters to the CAO
3. MDE-2025-002 – Delegate powers regarding appointment of the CAO to Council
4. MDE-2025-003 – Delegate powers regarding appointment of chairs and vice-chairs of local boards to the local boards
5. MDE-2025-004 – Delegate powers regarding establishing or dissolving committees to Council.

Information on the legislative powers and Mayoral Decisions and Directions will be included on the Town’s website. Staff continue to review the legislation and relevant by-

laws, policies, procedures and practices to ensure compliance with the Strong Mayor Powers legislation and will update Council as appropriate.

Legislative Changes

A detailed overview of the legislation is provided below, however a brief overview of the legislative changes is included as attachment 1 to this report.

Voting Thresholds and Timeline Requirements

Throughout the legislation, various votes require a one-third vote or a two-thirds vote to pass. The legislation uses the terms “one-third of the members of council” or “two-thirds of the members of council”. This is interpreted as the total number of members of Council (including the Mayor) who are eligible to vote. For clarity, there are 7 members of Orangeville Council, therefore one-third would be 3 members, and two-thirds would be 5 members. These numbers are not reduced by absence or leave; a member who is absent is still eligible to vote, they are just not present to exercise their right to do so. In addition, the legislation frequently specifies a number of days between actions, such as the number of days the head of council has to veto a by-law, or the number of days a council has to attempt to override a veto. Unless otherwise noted, these are counted as calendar days, not business days.

Transition of Power

Sections 284.6(4) and (5) of the new legislation provides a transition whereby the existing organizational structure or any division head or head of any other part of the organizational structure remains in place unless changed by the Mayor. The Mayor may exercise the power to hire and dismiss a person regardless of when they started employment as set out in Section 284.6(6).

Section 284.15(1) of the Act also includes a transition for the CAO, the chair and vice-chair of a Committee or the chair and vice-chair of a local board to hold their position until their appointment is revoked by the Mayor. Similarly, In Section 284.6(6), the Mayor may revoke the appointment regardless of when a person started or was appointed to their position.

Powers regarding the CAO, Organizational Structure and Employment Matters

The Act grants the Mayor the power to hire or dismiss the CAO (Section 284.5), determine the organizational structure of the municipality (Section 284.6(1)), and the power to hire, dismiss or exercise any other prescribed employment powers with

respect to the head of any division or the head of any other part of the organizational structure (Section 284.6(2)).

The authority to appoint or dismiss the CAO can be delegated by the Mayor to Council only. Mayor Post has delegated this authority to Council through MDE-2025-002.

The power with respect to the organizational structure and the power to hire, dismiss the heads of divisions can be delegated by the Mayor to either the CAO or to Council. Mayor Post delegated this authority to the CAO through MDE-2025-001.

The organization structure authority does not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to the following persons identified in Section 284.6(3) of the Act as this authority remains with Council:

- A clerk or deputy clerk
- A treasurer or deputy treasurer
- An Integrity Commissioner
- An Ombudsman
- An Auditor General
- A registrar, as described in section 223.11
- A chief building official, as defined in the Building Code Act, 1992
- A chief of police, as defined in the Police Services Act
- A fire chief, as defined in the Fire Protection and Prevention Act, 1997
- A medical officer of health, as defined in the Health Protection and Promotion Act
- Other officers or heads of divisions required to be appointed under this or any other Act
- Any other prescribed persons (at this time there are no other prescribed persons in the regulations)

Powers Regarding Committees

Section 284.8 of the Act provides the Mayor with the power to establish or dissolve prescribed committees and local boards, the power to appoint chairs and vice-chairs of committees and local boards, and the power to assign functions to these committees and local boards.

As per O. Reg. 530/22, committees that consist solely of members of Council are prescribed for the purposes of this Section, which generally relates to standing committees of Council and does not affect the Town's advisory committees.

The Town of Orangeville does not currently have any committees that fit these criteria.

The power re: Committees may be delegated by the Mayor to Council only, and the power re: Local Boards may be delegated without limitation. Mayor Post has delegated

the committee authority to Council through MDE-2025-004, and the power to appoint chairs and vice-chairs of local boards to the local boards through MDE-2025-003.

Powers to Direct Municipal Employees

The Act provides authority for the Mayor to direct municipal employees (Section 284.3) to:

- a) Undertake research and provide advice to the Mayor and the municipality on policies and programs of the municipality; and,
- b) Carry out duties related to exercise of the power, including implementing any decisions made by the Mayor.

This direction must be made in writing. When this direction is given, the Mayor must provide a written record of the direction to the Clerk and CAO.

This power can not be delegated.

In addition, unless otherwise required by the Act, when exercising any of the powers or duties under Section 284.3, by the next business day the Mayor must provide a written record to each member of Council and the Clerk and, in accordance with the Municipal Freedom of Information Protection of Privacy Act, make the written record available to the public.

Powers Regarding Meetings and By-laws

In accordance with Section 284.10 of the Act, if the Mayor is of the opinion that a particular matter could possibly advance a prescribed Provincial Priority, the Mayor may add matters to the Council meeting agenda for consideration. There is no requirement for the Mayor to abide by the Town's Procedure By-law to add the matter to the agenda, and no authority for Council to refuse or deny consideration of the matter.

The Mayor may also bring forward a by-law under Section 284.11.1 if, in their opinion, it could potentially advance a prescribed Provincial Priority. The Mayor may require Council to consider and vote on the proposed by-law at the meeting. By-laws that the Mayor can bring forward may relate to a by-law under the Municipal Act, 2001, as amended, and the Planning Act, as amended. As prescribed by O. Reg. 530/22, the Mayor can also introduce a Development Charge By-law under Section 2 of the Development Charges Act, 1997, as amended.

If the Mayor wishes to bring forward a by-law at the meeting, they must provide a copy of the proposed by-law and the reasons for the proposal to the Clerk and to all members

of Council. Upon consideration and voting, the by-law is deemed to be passed if more than one-third of the members of Council (i.e. 3 of the total 7 Members of Council), vote in favour of the by-law. The Mayor may vote as a member of Council on these proposed by-laws.

However, this power does not allow the Mayor or Council to advance a by-law that requires specific procedural steps as required by statute to be taken prior to being passed by Council. For example, a zoning by-law would still require a statutory public meeting prior to its passage.

As per O. Reg. 530/22, these specific powers do not apply with respect to by-laws passed under the following sections of the Act:

- Section 238 (Procedure By-law)
- Section 289 (Yearly Budget – Upper Tier)
- Section 290 (Yearly Budget – Local Municipality)
- Section 263 (Filling Vacancies on Council)

This authority cannot be delegated.

Veto Powers for By-laws

Pursuant to Section 284.11 of the Act, the Mayor may veto a by-law passed under:

- The Municipal Act and its regulations (other than under a prescribed section);
- The Planning Act and its regulations (other than under a prescribed section);
- Any other prescribed Act or regulation or section thereof, i.e. O. Reg. 530/22 prescribes by-laws passed under Section 2 of the Development Charges Act, 1997.

As per O. Reg. 530/22, these powers do not apply to by-laws passed under the following Sections under the Act:

- Section 289 (Yearly Budget – Upper Tier)
- Section 290 (Yearly Budget – Local Municipality i.e. user fees and tax levy)

As outlined in Attachment 2, there are specific procedural requirements for the Mayor to exercise their veto authority:

- The Mayor must inform the Clerk and each member of Council in writing within two days of the passage of the by-law subject to the veto of their intent to veto the by-law;
- Following the notice of intent, the Mayor has 14 days to decide whether to proceed with the veto;

- If the Mayor proceeds with the veto, they must provide the Clerk with the written veto and include reasons for the veto;
- Once the veto has been received, the Clerk must provide written notice of the veto to the rest of Council and make the veto document available to the public. Within 21 days of the Clerk's notice of the veto, Council may override the veto upon a two-thirds majority vote (5 members). The Mayor may vote in the Council decision to override the veto.

This authority can not be delegated.

Powers and Duties Regarding the Budget

As set out in Section 284.16 of the Act, the powers and duties of the municipality with respect to proposing and adopting a budget are assigned to the Mayor.

In accordance with O. Reg. 530/22, on or before February 1 of each year, the Mayor shall prepare a proposed budget for the municipality and provide it to Council for consideration as well as make it available to the public.

Within 30 days of receipt, Council, at a meeting, may pass a resolution to amend the proposed budget. Council may also pass a resolution to shorten this 30-day period for the year. If Council does not pass a resolution making an amendment within the 30 days (or shorter, if set by Council), the budget is deemed to be adopted by the municipality.

Should the Mayor not present the budget by February 1, then Council shall prepare and adopt the budget for the municipality.

This power cannot be delegated, however the Mayor can direct staff to prepare a proposed budget for Council consideration through a signed mayoral directive. Mayor Post directed the Chief Financial Officer and the CAO to prepare the 2026 budget for presentation to Council in accordance with timelines as approved by Council.

Budget Veto

Within 10 days after the time period Council has to make amendments to the budget, the Mayor may veto the amendment(s) by providing a written veto document to all members of Council and the Clerk. This must include the reasons for the veto and may be provided at any time within the legislated time period. This does not have to be provided at a meeting of Council. The Mayor may shorten this period in any given year by giving a written document to each member of Council and the Clerk specifying the shorter period. This decision only affects the year the decision is issued.

If the Mayor does not veto a resolution to amend, the budget is considered adopted in accordance with the relevant regulations under the Act. If the Mayor vetoes the amendment, Council has 15 days to override the veto on a two-thirds (i.e. 5 Members of Council) vote, including the Mayor.

A final vote on the amended budget is not required. The budget is deemed adopted once the process is complete following any proposed amendments, vetoes, or override of such vetoes. Attachment 3 is a Budget Flow Chart which provides the legislated timelines for the Budget Process and the point(s) at which the budget may be deemed adopted.

Despite the ability to prepare a budget, and that budget to be deemed adopted subject to the amendment and override provisions above, the Mayor must still obtain Council support and approval for a tax levy by-law under section 290 of the Municipal Act to fund the adopted budget through user fees and property taxes.

The veto powers respecting the budget cannot be delegated.

Conflict of Interest

If the Mayor declares a conflict under Section 5.3 of the Municipal Conflict of Interest Act, the Mayor is prohibited from using their power and exercising the duty under Section 284.16(2) of the Act to veto resolutions on budget amendments where they have a conflict of interest.

Corporate Implications

Although the information contained in this report has the ability to create a number of corporate implications, this report is being provided as an information report with no direct implications. Enactment of amendments to policies or by-laws that may be forthcoming or required as a result of the implementation of the Strong Mayor legislation will be presented to Council for approval as applicable.

Conclusion

Staff will continue to review and make necessary recommendations and amendments to existing policies, procedures and by-laws as may be required due to the legislation. Items currently being reviewed and actioned include:

- Strong Mayor Legislation webpage
- Form creation for approval of by-laws for quicker enactment if no veto powers are to be used

- Form creation for Mayoral Decisions (MDEs)
- Form creation for staff direction requests – Mayoral Directives (MDIs)
- Review and update procedure by-law to reflect Mayor power opportunities
- Review and update HR policies to reflect Mayor led recruitment opportunities
- Review and update Council code of conduct and Council Staff Relations policies to reflect Mayor ability to direct staff.

Strategic Alignment

Strategic Plan

Strategic Goal: Future-Readiness

Objective: Due Diligence – Confirm applicable governance and policy regimes

Notice Provisions

The signed mayoral decisions and directives to date were circulated to Council within 1 day of being signed and will be made available on the website as soon as possible. All future decisions and directives will continue to follow the legislated rules for public notice.

Respectfully submitted,

Antonietta Minichillo
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Attachment(s):

1. Powers Overview
2. By-law Veto Flow Chart
3. Budget Flow Chart