



**LEGISLATIVE AND COURT
SERVICES DEPARTMENT
MEMORANDUM**

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TO: MAYOR A. NUTTALL AND MEMBERS OF COUNCIL

FROM: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

NOTED: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: STRONG MAYORS LEGISLATION

DATE: AUGUST 16, 2023

The purpose of this Memorandum is to provide members of Council an overview of the Strong Mayors Legislation that came into effect on July 1, 2023 for the City of Barrie.

Background

On August 10, 2022, the Provincial Government introduced Bill 3, the *Strong Mayors, Building Homes Act, 2022*, which amended the *Municipal Act, 2001*. At the time, this Act provided the mayors of Toronto and Ottawa with additional powers to advance provincial priorities defined in regulations.

Amendments to the *Municipal Conflict of Interest Act* were also enacted as part of Bill 3.

On November 16, 2022, the Provincial Government introduced Bill 39, the *Better Municipal Governance Act*, which proposed additional mayoral powers related to proposing and amending certain municipal by-laws related to the prescribed provincial priorities.

Initially, these additional powers took effect in Toronto and Ottawa on November 23, 2022, and at that time, the Province indicated that these powers would be extended to other municipalities in the future.

In June 2023, the Province announced that the Strong Mayors Powers would be extended to an additional 25 municipalities, including the City of Barrie, on July 1, 2023. These powers are not extended to Deputy Mayors or an interim or acting head of council.

Identified Provincial Priorities

The Provincial Priorities are identified in Regulation 580/22 as follows:

1. Building 1.5 million new residential units by December 31, 2031.
2. Constructing and maintaining infrastructure to support housing, including,
 - Transit;
 - Roads;
 - Utilities; and
 - Servicing.



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The table below illustrates the additional powers provided to Mayors under the *Municipal Act* and the amendments to the *Municipal Conflict of Interest Act* and *Municipal Elections Act*.

Municipal Act – Part VI.1 – Special Powers of the Head of Council (Sections 284.2 to 284.17)

Area of Change	Specific Changes	Comments
Council Governance	Establish or dissolve committees <ul style="list-style-type: none"> ○ Assign their functions ○ Appoint Chairs and Vice-Chairs ○ Applies only to Committees solely comprised of members of Council ○ Appoint Chairs and Vice Chairs for prescribed boards 	These powers can be delegated to Council. Delegation must be provided in writing and posted publicly on the City's webpage. Currently, the Mayor makes recommendations to Council concerning Committee appointments.
Organizational Structure	<ul style="list-style-type: none"> • Appoint and assign duties to the Chief Administrative Officer • The power to hire or dismiss a head of any division or the head of any part of the organizational structure, with the exception of the following officials, which will continue to be appointed by Council: <ul style="list-style-type: none"> ○ Clerk/Deputy Clerk ○ Treasurer/Deputy Treasurer ○ Integrity Commissioner ○ Ombudsman ○ Auditor General ○ Registrar ○ Chief Building Official ○ Chief of Police ○ Fire Chief ○ Medical Officer of Health ○ Any other officers required to be appointed under the Municipal Act ○ Any other prescribed persons • Determination of the City's organizational structure 	The appointment and assignment of duties to the Chief Administrative Officer can be delegated to Council. The powers associated with the hiring/dismissal of division heads or head of any part of the organizational structure and the determination of the City's organizational structure can be delegated to City Council or City Manager/Chief Administrative Officer. Delegation of these items can be addressed on a situational basis. Any delegation of these powers is required to be completed in writing and posted publicly on the City's website.
Direction to City staff	<ul style="list-style-type: none"> • Ability to direct staff to: <ul style="list-style-type: none"> ○ Undertake research ○ Provide advice to the Mayor and Council on City policies and programs ○ Implement Mayoral decisions related to the powers under Bill 3 	A written record of the direction must be provided by the next business day to the City Clerk and Chief Administrative Officer. A copy of the direction would be circulated to members of Council and applicable staff. Direction to staff that is not confidential in nature would be posted on the City's website.



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<p>Preparation of the Annual Budget</p>	<ul style="list-style-type: none"> • Mayor may present a proposed City Budget no later than February 1 by providing it to Council and Clerk <ul style="list-style-type: none"> ○ If the Mayor does not present a budget, City Council must do so • City Council has 30 days to amend the proposed budget after presented, and if no amendments are presented the Mayor's proposed budget is deemed to be adopted <ul style="list-style-type: none"> ○ Council may pass a resolution to shorten the 30-day period • Mayor may veto Council amendments within 10 days after the time period for Council to pass amendments ends with notice of a written veto document and the reasons for the veto provided to Council and the Clerk <ul style="list-style-type: none"> ○ Mayor may also shorten this period • If the Mayor does not exercise the veto power, the amended budget is deemed adopted • City Council may override the Mayor's veto (requires two-thirds majority) within 15 days after the time period for the Mayor to veto an amendment, in which case the amended budget is considered adopted <ul style="list-style-type: none"> ○ Council may pass a resolution to shorten the 15-day period • If Council does not override the Mayor's veto, the proposed budget is considered adopted. 	<p>These powers cannot be delegated.</p> <p>Further information concerning the application of these powers for the 2024 Budget and Business Plan will be provided in the Fall of 2023, as budget preparations had been initiated by staff prior to the extension of the <i>Strong Mayors, Building Homes Act, 2022</i> to Barrie</p>
<p>Advance and/or Prevent Interference with Provincial Priorities (veto)</p>	<ul style="list-style-type: none"> • Applies to by-laws associated with the <i>Municipal Act, Planning Act</i>, and Section 2 of the <i>Development Charges Act</i> (through Regulation 530/22) • May veto a by-law if the Mayor is of the opinion that all or part of the by-law could interfere with a provincial priority • The veto does not provide the opportunity to the Mayor to introduce amendments or new by-laws, it is limited to nullifying Council's decision • The Clerk must provide the written veto document to members of Council and make it available to the public by the next business day • By-law shall not be deemed to have been approved by Council until <ul style="list-style-type: none"> ○ the day written approval of the by-law is given by the Mayor, or 	<p>Powers cannot be delegated</p> <p>The Mayor may provide notice (timelines prescribed in Reg. 530/22) of an intent to consider vetoing a by-law.</p> <p>A written veto document is required to be provided to the Clerk that includes the veto and the reasons for it, on the day of the veto. The Clerk is required to provide a copy of the written veto document to Council.</p> <p>A copy of veto decisions would be posted on the City's webpage.</p>



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	<ul style="list-style-type: none"> ○ two days after the Council voted in favour of the by-law (or other prescribed deadline) • Council may override a veto within 21 days (requires two-thirds majority) • If Council overrides a by-law, it is deemed passed on the day that Council overrides the veto 	
Meetings	If the Mayor is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority, the Mayor may require the Council to consider the matter at a meeting	Consideration of the matter does not require adherence to the Procedural By-law

Municipal Conflict of Interest Act

Mayor Declarations	<p>Requires the Mayor to disclose any pecuniary interest, direct or indirect, when exercising the powers assigned under Part VI.1 Special Powers of the Head of Council <i>Municipal Act</i>, as follows:</p> <ul style="list-style-type: none"> • shall, upon becoming aware of the interest in the matter, disclose the interest by filing a written statement of the interest and its general nature with the Clerk of the municipality; • shall not use the power or exercise the duty with respect to the matter; and • shall not use their office in any way to attempt to influence any decision or recommendation of the municipality that results from consideration of the matter. 	<p>All disclosures of interest by Members of Council are posted on the City's webpage</p> <p>Advice related to the <i>Municipal Conflict of Interest Act</i> is provided by the Integrity Commissioner, as per the Act.</p>
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Any questions related to the Special Powers of the Head of Council can be directed to Wendy Cooke, City Clerk/Director of Legislative and Court Services.