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Town of Aurora

General Committee Report

No. CS23-069

Subject: Strong Mayor Powers

Prepared by: Michael de Rond, Town Clerk

Department: Corporate Services

Date: November 7, 2023

Recommendation

1. That Report No. CS23-069 be received for information.

Executive Summary

The purpose of this report is to provide an overview of the recently provided Strong Mayor Powers.

- Thus far, Strong Mayor Powers have been implemented in varying ways around Ontario.
- Strong Mayor Powers include unilateral authority regarding the administrative and political structure of the Town.
- Strong Mayor Powers includes provisions designed to enable the Mayor to advance prescribed Provincial priorities.
- The Mayor is required to propose the annual Town budget .
- Strong Mayor Powers are implemented and exercised through Mayoral decisions which will be posted on the Town's website and communicated through the Town's various channels.

Background

On November 1, 2023, the Town of Aurora was provided Strong Mayor Powers by the Province of Ontario. Aurora is now one of 49 municipalities in Ontario to be provided these powers.

Strong Mayor Powers were enacted as part of Bill 3, Strong Mayors, Building Homes Act, 2022. The Minister has also prescribed regulations associated with these powers under Ontario Regulation 580/22 regarding Provincial Priorities and Ontario Regulation 530/22 regarding Part VI.1 of the *Municipal Act, 2001* (the 'Act').

Analysis

Thus far, Strong Mayor Powers have been implemented in varying ways around Ontario.

It is important to note that many of the Strong Mayor Powers are discretionary and can be exercised, not exercised, or delegated by the Mayor to either Council as a whole, or to the CAO. Town staff have been collaborating with municipalities who have been granted Strong Mayor Powers, to understand how practices and norms relating to Strong Mayor Powers are evolving. Early indications suggest that there is a variety of approaches taking form, with some Mayors indicating that they do not intend to use the new powers, some indicating that they do, and others who are preparing to delegate some powers (in particular, those relating to the administrative and political structure of the Town) to the CAO or Council, as the case may be.

Strong Mayor Powers include unilateral authority regarding the administrative and political structure of the Town.

Council Governance

The Mayor is granted power to establish Committees of Council, assign their functions, and appoint the Chairs and Vice-Chairs. This power applies only to Committees that are comprised solely of Members of Council. This would include the following bodies currently enacted; General Committee, Budget Committee, Audit Committee and Finance Advisory Committee.

Direction to Staff

The Mayor may direct Town staff to undertake research, provide advice to the Mayor and Council on Town policies and programs, and direct the implementation of Mayoral decisions related to the powers under Part VI.1 of the Municipal Act. Such direction must be provided in writing to the CAO and Clerk.

Organizational Structure

The Mayor is given the power to determine the organizational structure of the municipality. This includes the authority to hire and dismiss department heads. This

wording is taken to permit the Mayor to hire or dismiss members of the Executive Leadership Team. Certain officials are excluded from the Mayor's power to hire and dismiss, being primarily positions that are appointed and/or required by statute such as the Chief Building Official, Fire Chief, Town Clerk, Deputy Clerk, Treasurer and Deputy Treasurer. Officers under the accountability and transparency framework of the Act are also excluded, such as the Integrity Commissioner, Ombudsman, and Closed Meeting Investigator.

Power to Appoint the Chief Administrative Officer

The Mayor is assigned the powers of the municipality under section 229 of the Act, which permits the Mayor to appoint a Chief Administrative Officer (CAO). Once appointed, the CAO would then be responsible for the general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality.

Strong Mayor Powers includes provisions designed to enable the Mayor to advance prescribed Provincial priorities.

Provincial Priorities

The Mayor has the ability to exercise specific powers related to "Provincial Priorities" defined in [O. Reg. 580/22](#). The Mayor can exercise these powers in order for Council to consider, advance and decide on matters that are in the opinion of the Mayor, related to the Provincial Priorities. Those priorities are described as:

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.

Practically, this means that the Mayor may add matters to the Council meeting agenda for consideration by Council if the Mayor is of the opinion that the matters could advance a Provincial Priority. There is no requirement for the Mayor to abide by the procedure by-law in adding the matter to the agenda, and no authority for Council to refuse or deny consideration of the matter.

Bringing Forward Bylaws for Consideration

The Mayor may bring forward a bylaw for consideration of Council if the Mayor is of the opinion that the bylaw could potentially advance a Provincial Priority. The Mayor may require Council to consider and vote on the proposed bylaw at the meeting.

Under this authority, more than one-third (or 3 members of Council) would be required to pass the bylaw brought forward by the Mayor. However, this power does not allow the Mayor or Council to advance a bylaw that requires specific procedural steps to be taken before passed by Council. For example, a zoning bylaw that the Mayor brings for consideration at Council would still require a statutory public meeting and public notice prior to its passage.

Veto Powers

The Mayor may veto all or any part of a Municipal Act, Planning Act, or Development Charge bylaw that, in the opinion of the Mayor, could potentially interfere with a Provincial Priority. There are specific procedural requirements for the Mayor to exercise this veto authority;

- The Mayor must inform the Clerk in writing within two days of the passage of the bylaw of the intent to consider vetoing the bylaw.
- Following the notice of consideration, the Mayor has 14 days to decide whether to proceed with the veto.
- If the Mayor proceeds with the veto, the Mayor must provide the Clerk with a 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. The Mayor may vote in the Council decision to override the veto.

The Mayor is required to propose the annual Town budget.

A report regarding the process for the 2024-2026 Town of Aurora multi-year budget was provided to Council on October 24, 2023.

Strong Mayor Powers are implemented and exercised through Mayoral decisions which will be posted on the Town's website and communicated through the Town's various channels.

Mayoral decisions have been and will continue to be posted on the Town's website and communicated to members of the public. Mayoral decisions can be made at any time without the requirement of a public meeting. All Mayoral decisions will be sent to members of Council and posted on the Town's website.

Advisory Committee Review

None

Legal Considerations

The Mayor has the sole discretion in determining whether to exercise the powers under this part of the Act. As long as the decisions made by the Mayor or any powers exercised by the Mayor, including the veto power, are exercised legally and in good faith, the decision or power cannot be quashed or open to any review by a court, even if they may be considered unreasonable.

Financial Implications

There are no direct financial implications to this report.

Communications Considerations

Communications will inform the public of the legislative changes by updating the Mayor and Council page on the Town's website.

Climate Change Considerations

None

Link to Strategic Plan

None

Alternative(s) to the Recommendation

None

Conclusions

This report provides an overview of the recently provided Strong Mayor Powers.

Attachments

None

Previous Reports

None

Pre-submission Review

Agenda Management Team review on October 19, 2023

Approvals

Approved by Patricia De Sario, Director, Corporate Services/Town Solicitor

Approved by Doug Nadorozny, Chief Administrative Officer