



MEETING TYPE: Regular Council Meeting

To:	Council
From:	Brian P. MacKinnon, Chief Administrative Officer & Municipal Clerk
Date:	May 21, 2025
Subject:	Strong Mayor Powers - An Overview: For Council Discussion
Report No.:	2025-567

TITLE: Strong Mayor Powers - An Overview: For Council Discussion

RECOMMENDATION:

This is an informational Report for Council's review and discussion.

PURPOSE:

The purpose of this Report is to provide Council with a legislative overview of the "Strong Mayor Powers" which have recently (May 1st) been conferred upon an additional 169 municipalities in Ontario, including Sioux Lookout.

BACKGROUND:

Amendments were made to the Municipal Act, 2001, as amended (Part VI.1) ("strong mayor powers") that grant new powers and duties to some designated mayors, in addition to their role as head of council (section 225) and chief executive officer (section 226.1). Ontario Regulation 530/22 identifies which municipalities have strong mayor powers.

These powers, first announced by the Province in 2022, were intended to provide assigned-Mayors greater ability to achieve housing targets, as had been established by the Province. At the outset, the Province also introduced a new provincial fund, entitled "Building Faster Fund". This program was a three-year \$1.2 billion program to help municipalities exceed their provincially assigned housing targets. Funds were to be directed to housing-enabling infrastructure and costs that support community growth. While this was the focus at the outset, the Province has since extended Strong Mayor powers, but with none of the available additional funding to support housing targets. Most, if none, of the recently-announced 169 municipalities, including Sioux Lookout, **have not been** assigned "housing targets," and as such, no funding is attached to these new powers.

To ensure Council has a fulsome understanding of the new powers, please note the following summary of those Mayoral Powers and how they are to be used in decision-making:

A. Council Committees

The Mayor has the following powers with respect to Council Committees that are composed of only Members of Council:

1. The power to establish or dissolve Committees.
2. The power to appoint the Chairs and Vice-Chairs of Committees.
3. The power to assign functions to Committees. (Note - Sioux Lookout does not have any "all-Council" Committees; the Mayor's authority in this regard applies only to Council-composed Committees; Council's advisory committees and quasi-judicial committees, and Boards, are not subject to these powers.)

B. Powers relating to Municipal Administration

1. The Mayor has the power to appoint and dismiss the municipality's chief administrative officer and assign duties to them.
2. The Mayor has the power to hire or dismiss a "head of any division or the head of any other part of the organizational structure". City officials excluded from this authority are listed in the legislation, namely, statutory officers.
3. The Mayor may determine the Municipality's organizational structure.
4. The Mayor can make requests of Municipal staff to undertake research and provide advice to the Mayor and City Council on City policies and programs, as well the Mayor can direct staff to carry out duties and implement decisions of the Mayor where they relate to the exercise of strong mayor powers. With the exception of the first above noted power, the Mayor may delegate these powers to the CAO by providing written notice of delegation. Direction to staff is required to be in writing and required to be provided to the Clerk and distributed to City Council within prescribed timelines.

C. Duty to introduce the City Budget

Each year, the Mayor is required to present proposed City budget no later than February 1st to Council. If the Mayor does not present a proposed budget, the duty would revert back to Council. Where the Mayor presents the budget, Council has 30 days to amend the proposed budget. The Mayor may veto Council amendments up to 10 days after Council adopts the amendment. If the Mayor does not exercise his veto the amended budget is deemed adopted. Council may then override the Mayor's veto with a 2/3 vote up to 15 days later in which case the amended budget is deemed adopted. If Council does not exercise an override of the Mayor's veto the proposed budget is deemed adopted. These noted timelines may be shortened by the Mayor or Council. Mayors may also initiate in-year budget amendments to raise additional amounts from property taxes by providing the budget amendment to each Member of Council and the Clerk. Council may amend the proposed budget amendment within 21 days of receiving the budget amendment. The mayor may, within 5 days after the expiry of the time period for council to pass a resolution (being the 21 days) veto the council amendment. Within 10 days after the 5-day deadline for the mayor to veto the budget amendment, council may override the veto with a 2/3 majority vote. These noted timelines may be shortened by the Mayor or Council. The Mayor cannot delegate the duty of a budget to City Council. To date, the vast majority of Mayors who have been legislatively granted "strong powers" have delegated the responsibility to develop the draft Budget to the CAO and Treasurer, and bring forward for Council's consideration, as has been the practice for decades.

D. Mayor's Veto and Provincial Priorities

The legislation introduces the power for the Mayor to veto a by-law (not related to the Budget, which is dealt with under a separate process) if in the Mayor's opinion a by-law or part of it

could potentially interfere with a prescribed provincial priority. The Mayor may also introduce new matters without notice to a Council meeting in order to advance a provincial priority.

The prescribed provincial priorities, which predicated some of the legislative powers a strong mayor may exercise, are:

1. building 1.5 million new residential units by December 31, 2031, and
2. constructing and maintaining infrastructure to support housing, including:
 - o (i) transit,
 - o (ii) roads,
 - o (iii) utilities, and
 - o (iv) servicing.

As these provincial priorities are set by regulation, the provincial government may change priorities at any time, at its own discretion, without consulting municipalities. Mayors can bring by-laws advancing prescribed provincial priorities and require Council to vote on the proposed by-law at a meeting, despite any rules in Council's Procedural By-law. These by-laws pass, if more than 1/3 of members of council, including the mayor, vote in favour of the by-law.

Mayors can veto certain by-laws, if they are of the opinion that all or part of the bylaw could potentially interfere with a prescribed provincial priority (please note there is a separate veto process for municipal budgets). If the mayor uses his/her veto power, Council can override the veto where 2/3 (including the mayor) of council votes to override the veto. This section may cause confusion with the public as to how decisions are made if notice provisions are not met by the Mayor, there is also the potential for significant delays if vetoes and overrides are utilized which then holds administration from completing the associated work until the final decision is made.

Immunity Provision

Mayoral decisions that exercise strong mayor powers (including vetoes) are protected by an immunity provision under Part VI.1 of the Municipal Act, 2001. Where exercised "legally" and "in good faith", such decisions of the mayor shall not be quashed or open to review by any court due to the unreasonableness or supposed unreasonableness of the decision or exercise of veto or other power.

Additional Information

The Ministry of Municipal Affairs and Housing (MMAH) has updated the Municipal Councillors Guide to provide information on Strong Mayor powers - it is available at the following URL: <https://www.ontario.ca/document/ontario-municipal-councillors-guide>

Staff has also been monitoring those 169 municipalities who have also been bestowed strong mayor powers as of May 1st, and many have passed resolutions advising the Province that they don't believe the powers are necessary or warranted in their communities. Regardless of this considerable feedback, the Province has given no indication that it intends to repeal the powers - essentially advising it will be up to each Mayor to determine if, when, and how to exercise the powers, in accordance with the legislation and regulations.

DISCUSSION:

Impact on Administrative Processes

Readjusting timelines for work to begin on each Council Agenda cycle may be required. Potential delays with matters that are subject to veto and potential override that do not allow administration to move forward in a timely manner. Administration has begun and will continue to undertake significant work to transition the municipality to strong mayor powers, such as;

- creating an online repository to post mayoral decisions and directions
- creating templates for decisions, notice, vetos and overrides
- making amendments to numerous municipal by-laws and policies (e.g., the procedural by-law, council/staff relations policy, hiring of employees and other HR policies, etc.).
- increasing communications and providing education on these changes will be required for the public to best understand how decisions are being made by their municipal council or their strong mayor

The CAO & Clerk and Municipal Treasurer are currently working with colleagues across the province to review best practices, established templates, and review matters that have been decided via strong mayor powers to best inform Mayor and Council.

Erosion of Municipal Democracy?

Many municipal practitioners (both elected and administrative), along with a slate of political commentators, have urged caution with respect to the exercise of these new powers. Many are concerned that power is being too concentrated with the Head of Council, especially with regard to some of the specific authority bestowed by the legislation. Veto powers, powers to adopt by-laws (that favour a provincial priority) can be passed with only one-third vote, powers relating to municipal organization and staffing, and budget-related powers have all traditionally been shared among Council, or, in certain cases (involving municipal structural reorganization and staffing matters) have always been within the jurisdiction of the CAO.

Mayor Lawrance, in his comments to the local newspaper, and echoed in his opening remarks at the April 16, 2025 Regular Council Meeting, believes that, "the influence of the Mayor, and the power (if there is any) is earned, not bestowed."

Mayor Lawrance is away for this meeting (one of the very few he has not attended in his ten years in the Mayor's seat), and encouraged Council to have a fulsome dialogue on this topic in his absence. His comments and reflections, to date, suggest that he does not immediately see the value in, or potential use for, these new "strong mayor" powers.

Next Steps

Council is encouraged to discuss this matter at its Regular Meeting on May 21st, and provide any direction to staff it deems expedient and advisable. Staff recommends, at a minimum, that administrative processes be established to ensure that any delegation of powers or decisions not to act on any of the powers is documented appropriately and made available to the public on the website.

RELATIONSHIP TO THE STRATEGIC PLAN:

There are many words and phrases in Council's current Strategic Plan that clearly indicate Council's desire to be open, collaborative, communicative, transparent, and accountable - here

are a few excerpts from the various Strategic Priorities in the Plan:

- "collaborate with other groups"
- "engage with residents and businesses "
- "open communication"
- "encourage participation"
- "support/work with"

These terms, coupled with Council's overall vision and mission, clearly indicate a preference for collective effort and accountable leadership. Council may wish to consider whether or not the new "strong mayor" powers are consistent with Council's philosophy and approach to governance.

FINANCIAL IMPLICATIONS:

There are no immediate, direct financial implications associated with this informational Report. However, if and how Strong Mayor powers are implemented in Sioux Lookout will create additional work for administration, and these costs will be reflected in staff time. If the Mayor chooses to exercise any of the powers with respect to hiring/firing the CAO and senior administrative positions, contract law and severances will still apply.

Written By:
Brian P. MacKinnon, Chief Administrative
Officer & Municipal Clerk

Approved By:
Brian P. MacKinnon, CAO/Municipal Clerk

Written By: