

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Amendments to O. Reg. 530/22 to Expand Strong Mayor Powers and Duties to Town of Niagara-on-the-Lake

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BACKGROUND INFORMATION

On April 9, 2025, the Town received a letter from the Honourable Rob Flack, Minister of Municipal Affairs and Housing, advising that the Government of Ontario intended to extend Strong Mayor Powers to the Town of Niagara-on-the-Lake effective May 1, 2025, to help deliver housing and other provincial priorities. (Appendix I)

Provincial priorities as identified in O. Reg. 580/22 include the following:

- Building 1.5 million new homes by December 31, 2031, and,
- Constructing and maintaining transit, roads, utilities and servicing infrastructure to support housing.

The amendments announced to O. Reg. 530/22 of the Municipal Act would add 169 additional municipalities, including Niagara-on-the-Lake, to the current 47 municipalities which already have Strong Mayor Powers. The Ontario Municipal Act Section VI.1 details the special powers and duties of the Head of Council in those municipalities. In its Municipal Councillors Guide (<https://www.ontario.ca/document/ontario-municipal-Councillors-guide>), the Province has provided a clear language description of the powers and duties.

The following is a brief outline of the additional powers and duties:

Municipal Staff

The Head of Council can choose to create and reorganize the structure of the municipality, appoint the Chief Administrative Officer (CAO), and hire certain municipal division heads, excluding statutory positions.

In Niagara-on-the-Lake, the current statutory positions include the Town Clerk, Deputy Town Clerk, Treasurer, Deputy Treasurer, Chief Building Official and Fire Chief.

The Head of Council can direct Staff to do certain things related to their additional powers and duties. Direction from the Head of Council to Staff under this authority must be provided in writing. For example, the Head of Council could direct Staff to undertake research and provide advice on policies and programs or to implement any decisions related to their additional powers and duties.

Prior to the implementation of the amended Regulation, Council is responsible for the appointment of the CAO, and the CAO is responsible for the hiring of all other Staff and determining the organizational structure in accordance with Council approved budget and policies.

Council Decision-making

The Head of Council can create new Committees of Council where all members are Council members, assign functions to the committees and appoint the Chairs and Vice-chairs.

The Head of Council can also bring forward matters, including certain Municipal By-laws, for Council consideration that could potentially advance a prescribed provincial priority. When proposing the By-law, the Head of Council must provide a copy of the proposed By-law and their reasons for the proposal to the Town Clerk and each Member of Council. The Head of Council can require Council to consider and vote on the proposed By-law at a meeting (despite any rules in a local procedure By-law). By-laws proposed by the Head of Council using this power are passed if more than one-third of all Council members vote in favour of the By-law. The Head of Council is also able to vote on passing the By-law. By-laws related to filling a vacancy on Council are excluded from this power.

The Head of Council can choose to veto certain By-laws if they are of the opinion that all or part of the By-law could potentially interfere with a provincial priority in this regulation. Only By-laws approved by Council made under the Municipal Act, 2001, the City of Toronto Act, 2006, the Planning Act, and section 2 of the Development Charges Act may be vetoed by the Head of Council.

It is up to the Head of Council to determine if they will consider vetoing a By-law, regardless of whether they attend a Council meeting.

The Head of Council must provide written notice to Council of their intent to consider vetoing the By-law on or before two days after Council voted in favour of the By-law.

If the Head of Council decides to use their veto within 14 days after the day Council voted in favour of the By-law, the Head of Council must provide a written veto document (which includes the veto and reasons for the veto) to the Town Clerk on the day they use the veto power. The Town Clerk must then share the written document with each member of Council by the next business day and make the written document available to the public.

If the Head of Council uses their veto power, Council then has the ability to override the veto. Within 21 days after the Town Clerk provides the written veto document to the members of Council, Council may override the veto if two-thirds of all Council members vote to override the veto. During this process, the Head of Council remains a member of Council for Council decision-making with one vote.

Annual Budget

The Head of Council is required to propose the budget for the municipality each year by February 1. The Head of Council must share the proposed budget with each member of Council and the Town Clerk and make it available to the public. If the Head of Council does not propose the budget by February 1, Council must prepare and adopt the budget.

After receiving the proposed budget from the Head of Council, Council can amend the proposed budget by passing a resolution within a 30-day review period. The Head of Council then has 10 days from the end of the Council review period to veto any Council amendment. To veto a Council amendment, the Head of Council must provide written documentation of the veto and rationale to each member of Council and the municipal Town Clerk on the day of the veto. Within a 15-day period after the Head of Council's veto period, Council may override the Head of Council's veto of a Council amendment if two-thirds of all Council members vote to override the veto.

There are mechanisms in place to enable Council and the Head of Council to shorten their respective review, veto and override periods. For example, Council could pass a resolution to shorten its review and override period, and the Head of Council could provide written documentation to members of the Council and the municipal Town Clerk to shorten the veto period.

At the end of this process, the resulting budget is adopted by the municipality.

Accountability and transparency rules for Head of Council

In municipalities with Strong Mayor Powers, the Head of Council is subject to additional accountability and transparency rules.

When the Head of Council uses any of the additional powers or duties, they are required to provide written documentation to the Town Clerk and members of Council by the next business day. They must also make this written documentation available to the public.

There are separate written documentation requirements for the Head of Council when using the veto power and By-law power related to provincial priorities, and for the municipal budget process.

Additionally, when a Head of Council directs municipal Staff to do certain things related to these additional Strong Mayor Powers and duties, they must do so in writing and are required to provide written documentation to the municipal Town Clerk and CAO by the next business day.

The Head of Council is also subject to rules in the Municipal Conflict of Interest Act that limit the use of their Strong Mayor Powers or duties when they have certain pecuniary (financial) interests in a municipal matter. If the Head of Council is prohibited from preparing aspects of the budget due to financial interest, the Council can pass a resolution to amend the budget to address the matter. The Head of Council cannot veto these amendments.

Delegation of Certain Strong Mayor Powers

The Head of Council may delegate to Council the authority to appoint a CAO and/or to create, assign functions and appoint chairs of committees of Council.

The Head of Council may also delegate certain Strong Mayor Powers to either Council or the municipality's CAO to hire certain municipal division heads and to change the organizational structure of a municipality.

NEXT STEP / CONCLUSION

The CAO and Town Clerk will work with the Lord Mayor to prepare prompt updates to the Procedural By-law 2025-021 to reflect the new rules and powers, should O.Reg. 530/22 be amended as proposed, resulting in the extension of the Municipal Act's Strong Mayor Powers to the Town of Niagara-on-the-Lake.

Staff will also work with the Lord Mayor to establish a process for sharing written documentation of the application of Strong Mayor Powers and duties that consider general accountability and transparency requirements, as well as confidentiality requirements and for making this documentation available to the public.

Communications Staff will consider the resources required and develop a plan for creating an online repository for the written documentation.

The CAO and Director of Corporate Services will, at the direction of the Lord Mayor, develop a plan and document the intended process for the development of the 2026 and future budgets.

ATTACHMENTS

- Appendix I – Letter to Head of Council from Minister Flack, April 9, 2025