



City Council Special Meeting
AGENDA/NOTICE

Monday, September 25, 2023, 9:30 a.m.
Council Chamber

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Pages

Additional Agenda Items

(As may be presented at the meeting.)

Declarations of Pecuniary Interest

(As may be presented by Council Members.)

Items requiring Council Direction

CNCL-23-92 - Overview of Strong Mayor Powers Legislation (All Wards)

3

Recommendation

That pursuant to Report CNCL-23-92 dated September 15, 2023, concerning an Overview of Strong Mayor Powers Legislation an option be selected regarding legislated timelines for the 2024 Budget as set out in Section 5.9.

Confirming By-law

A by-law to confirm the City Council meeting of September 25, 2023.

Adjournment

To: Council in Committee of the Whole

From: Mary Medeiros, Director, Legislative Services/City Clerk,
Office of the C.A.O.

Report Number: CNCL-23-92

Date of Report: September 15, 2023

Date of Meeting: September 25, 2023

Subject: Overview of Strong Mayor Powers Legislation

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to provide Council with an overview of the Strong Mayor Powers legislation and seek direction regarding timelines concerning the 2024 Budget process.

Attachment 1 is Part VI.1 of the Municipal Act, 2001, as amended by Bill 3 and Bill 39.

Attachment 2 is a copy of Ontario Regulation 530/22: Part VI.1 of the Municipal Act, 2001.

Attachment 3 is a copy of Ontario Regulation 580/22: Provincial Priorities.

Attachment 4 is Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25.

Attachment 5 is a By-law Veto Flow Chart for Veto Powers for By-laws.

Attachment 6 is a Budget Flow Chart showing the timeline options for the 2024 Budget as set out in Section 5.9.

2.0 Recommendation

It is recommended to City Council:

That pursuant to Report CNCL-23-92 dated September 15, 2023, concerning an Overview of Strong Mayor Powers Legislation an option be selected regarding timelines for the 2024 Budget as set out in Section 5.9.

3.0 Executive Summary

Not Applicable.

4.0 Input From Other Sources

- Mayor Dan Carter
- Corporate Leadership Team
- Legal Services
- Municipalities: Ajax, Barrie, Brampton, Brantford, Burlington, Caledon, Cambridge, Clarington, Guelph, Hamilton, Kingston, Kitchener, London, Markham, Milton, Mississauga, Niagara Falls, Oakville, Ottawa, Pickering, Richmond Hill, St. Catharines, Toronto, Vaughan, Waterloo, Whitby and Windsor.
- Association of Municipal Managers Clerks and Treasurers of Ontario

5.0 Analysis

On June 16, 2023, the Minister of Municipal Affairs and Housing announced the expansion of the Strong Mayors 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 introduced by these two Bills under Part VI.1 of the Act (refer to Attachment 1) have been provided to those municipalities designated in Ontario Regulation 530/22, as amended (“O. Reg. 530/22”, refer to Attachment 2) in order to support and advance the Provincial Priorities set out in Ontario Regulation 580/22 (“O. Reg. 580/22”, refer to Attachment 3). 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.

The Mayor of the City of Oshawa, along with the mayors of the other 25 municipalities that committed to a housing pledge as part of the province’s mandate to build 1.5 million homes by 2031, were legislated these new powers effective July 1, 2023.

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 (“C.A.O.”). 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 4 provides a summary of the powers and duties, under Part VI.1 of the Municipal Act, 2001, including decisions and directions made at the time of this report by Mayor Carter.

Information on these legislative powers and Mayoral Decisions and Directions are on the City’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.

5.1 Expansion of Powers to other Municipalities and Incentive Fund

On August 21, 2023, the Province announced that the special powers and duties under Part VI.1 would be further expanded to 21 additional municipalities that commit to provincial housing targets commencing October 31, 2023.

In addition to the expansion of powers and duties to these municipal Heads of Council, the Province announced the [Building Faster Fund](#), a three-year incentive program commencing in 2024 to support municipalities who meet housing targets. If a municipality reaches 80% of its housing target, it becomes eligible for funding, and if the municipality exceeds its target, it is eligible for additional bonus funding. Further information on this program will be provided when available from the Province.

5.2 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 11 members of Oshawa City Council, therefore one-third would be 4 members, and two-thirds would be 8 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.

5.3 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 C.A.O., 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.

5.4 Powers Regarding the C.A.O., Organizational Structure and Employment Matters

The Act grants the Mayor the power to hire or dismiss the C.A.O. (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 Mayor's 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 persons prescribed in the regulations)

5.4.1 Mayoral Decision – C.A.O., Organizational Structure and Employment Matters

On July 14, 2023, per Mayoral Decision [MDE-2023-03](#), Mayor Carter delegated his power under Sections 284.5 and 284.15 of the Act to appoint or dismiss the Chief Administrative Officer to Council.

On July 14, 2023, per Mayoral Decision [MDE-2023-02](#), Mayor Carter delegated his power under Section 284.6(1) of the Act to determine the organizational structure of the municipality to the Chief Administrative Officer. In that same decision, Mayor Carter delegated his power under Section 284.6(2) 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 to the Chief Administrative Officer.

5.5 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. At this time, there are no prescribed local boards.

5.5.1 Mayoral Decision – Committees

Section 284.15(1) provides a transition for chairs and vice chairs of committees, however as the legislation does not provide a transition clause for committee structure, on July 14, 2023, per Mayoral Decision [MDE-2023-04](#), Mayor Carter confirmed the Standing Committee structure as established by City Council to continue as it existed on June 30, 2023.

5.6 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 C.A.O.

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 subject to the Municipal Freedom of Information Protection of Privacy Act, make the written record available to the public.

The Mayor has directed municipal employees to prepare the 2024 Operating and Capital Budget and Nine Year Forecast to present to Council on November 10, 2023 (See Section 5.8.1 – Mayoral Direction to Municipal Employees - Budget).

5.7 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 City's Procedure By-law, 128-2022, as amended, 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. 4 of the total 11 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 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)

5.7.1 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 5, 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. The Mayor may vote in the Council decision to override the veto.

5.7.2 Mayoral Decision - By-laws

On July 10, 2023, per Mayoral Decision [MDE-2023-01](#), Mayor Carter approved all by-laws passed at the July 10, 2023 meeting of City Council pursuant to subsection 284.11(4) of the Act.

5.8 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.

5.8.1 Mayoral Direction to Municipal Employees – Budget

On August 4, 2023, per Mayoral Direction [MDIR-2023-01](#), Mayor Carter directed the Commissioner, Corporate and Finance Services/Treasurer and the C.A.O. to prepare a proposed 2024 Operating Budget, Capital Budget and Nine-year forecast; and that the proposed Budget be presented to Council on November 10, 2023. Once the Budget has been presented, all amendments must be made by motion passed at a meeting of Council.

5.8.2 Veto Powers and Override of Veto Regarding the Budget

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. 8 Members of Council) vote, including the Mayor.

Unlike the current process, 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 6 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.

5.8.3 Conflict of Interest

If the Mayor declares a conflict under Section 5.3 of the Municipal Conflict of Interest Act (“M.C.I.A.”), 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.

Council may pass a resolution to amend the proposed budget with respect to the matter but the Mayor may not veto the resolution.

5.8.4 Impact on the 2024 Budget

At its meeting of May 1, 2023, Council adopted the 2024 budget timeline as follows:

Date	Action
November 10, 2023	Presentation of the 2024 Operating Budget to Council Presentation of the 2024 Capital Budget and Nine-year Capital Forecast to Council
November 24, 2023 (full day)	Council Budget Deliberations
November 30, 2023 (full day)	Council Budget Deliberations
December 1, 2023 (full day)	Council Budget Deliberation and Approval

Attachment 6 outlines the timelines established in the legislation regarding budget preparation as well as the timelines proposed in the options set out in Section 5.9 of this Report. The legislation provides that either Council (by resolution) or the Mayor (by Mayoral Decision) may choose to shorten their respective timelines provided for in the legislation. It is important to note that shortening these time periods affects the current budget year only. Council and the Mayor have the opportunity each year to choose to shorten the time periods.

As previously noted, timelines are counted in calendar days as opposed to business days, therefore although both Council and the Mayor may choose to reduce the timelines, the budget meeting schedule as approved on May 1, 2023 cannot be maintained without unrealistic impacts to the time provided to Council to propose amendments, to the Mayor to consider vetoing amendments, or to Council to consider overriding any vetoes.

5.9 Proposed Budget Timelines and Applicable Motions

As the legislation sets out a budget process, Council’s decision to adopt the budget meeting schedule does not require a reconsideration prior to adjusting the timelines for the budget process. In order to ensure budget meeting dates do not conflict with other scheduled meetings, proposed dates are set out in the options below. Council may choose to include one, two or three deliberation dates.

5.9.1 Option 1 – Reduce Timelines set out in the Legislation to Complete Budget by December 15, 2023

In order to balance the timelines set out in the legislation with Council’s previous direction to complete the budget December 1, 2023, the legislated time periods could be reduced to achieve a completion date close to the original target. A reduction in timelines by each party would still permit the budget to be completed before December 15, 2023, but allows more time for Council and the Mayor to consider proposed amendments.

The Mayor will present the budget to Council on November 10, 2023. Council could reduce the number of days to consider amendments from 30 days to 21 days and choose to meet on November 24, November 30 and/or December 1 to present and discuss proposed amendments. Similar to previous budget meetings, members of Council can introduce amendments and vote on them. Amendments that are passed by Council and not vetoed by the Mayor are included in the municipality’s budget. .

If Option 1 is selected, the Mayor has agreed to shorten his time to review the amendments from 10 days to 5 days. Should the Mayor choose to veto any amendments, he would then provide notice of any vetoes by December 6. In turn, to meet the December 15, 2023 date, Council would shorten its time period to attempt to override a veto by a vote of two-thirds of Council from 15 days to 9 days.

Should Council wish to select Option 1, the following motion should be passed:

“That pursuant to CNCL-23-92 dated September 13, 2023, concerning Overview of Strong Mayor Powers Legislation:

1. That Council reduce the time period as set out in subsection 7(3) of O. Reg. 530/22 to pass a resolution making an amendment to the proposed budget from 30 days to 21 days; and,
2. That Council provide direction on the date(s) for proposing amendments to the budget; and,
3. That Council reduce the time period as set out in subsection 7(10) of O. Reg. 530/22 to override the head of council’s veto of an amendment to the proposed budget from 15 days to 9 days.”

5.9.2 Option 2 – Generally Maintain the Timelines set out in the Legislation and complete the Budget by January 2, 2024

Council could choose to generally maintain the timelines set out in the legislation; however, it is important to note that 30 days after November 10 is December 10, which falls on a Sunday. As Council cannot lengthen the timelines provided in the regulation it must reduce the number of days by 2 in order to meet on a regular business day. If Option 2 is chosen, the Mayor will present the budget on November 10 and Council may choose to present and discuss amendments on November 30, December 1 and December 8. Similar to previous budget meetings, members of Council can introduce amendments and

vote on them. Amendments that are passed by Council and not vetoed by the Mayor are included in the municipality's budget.

Following that meeting, the Mayor will have 10 days to veto any of the proposed amendments and would then provide notice of any vetoes by December 18, 2023. Council would have until January 2, 2024 to override a veto.

Should Council wish to select Option 2, the following motion should be passed:

“That pursuant to CNCL-23-92 dated September 13, 2023, concerning Overview of Strong Mayor Powers Legislation:

1. That Council reduce the time period as set out in subsection 7(3) of O. Reg. 530/22 to pass a resolution making an amendment to the proposed budget from 30 days to 28 days; and,
2. That Council provide direction on the date(s) for proposing amendments to the budget.”

5.9.3 Option 3 – Alternative Timelines as Determined by Council

Should Council wish to choose alternative lengths for the timelines other than those provided in this Report, direction in the form of a resolution must be made to identify which timeline Council wishes to shorten and by how much.

6.0 Financial Implications

There are no financial implications related to this Report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this Report relate to the Oshawa Strategic Plan Goals of Economic Prosperity and Financial Stewardship, and Accountable Leadership.



Mary Medeiros, Director, Legislative Services/City Clerk,
Office of the C.A.O.

Français

Municipal Act, 2001

S.O. 2001, CHAPTER 25

Consolidation Period: From June 8, 2023 to the [e-Laws currency date](#).

Last amendment: 2023, c. 10, Sched. 5.

**PART VI.1
SPECIAL POWERS AND DUTIES OF THE HEAD OF COUNCIL**

Application

284.2 The Minister may, by regulation, designate municipalities to which this Part applies. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Directions to municipal employees

284.3 For the purposes of exercising powers or performing duties under this Part, the head of council may, in writing, exercise the powers of the municipality to direct municipal employees to,

- (a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and
- (b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

In writing

284.4 (1) If the head of council exercises a power or performs a duty under this Part, the head of council shall do so in writing and in accordance with the regulations, if any. 2022, c. 18, Sched. 2, s. 1.

Making information available

(2) The head of council shall, in accordance with the regulations, make any prescribed information and documents available to the public and to any other prescribed persons or classes of persons. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Powers re chief administrative officer

284.5 The powers of a municipality under section 229, with respect to the chief administrative officer, are assigned to the head of council. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Powers re organizational structure

284.6 (1) Subject to subsection (3), the powers of the municipality with respect to determining the organizational structure of the municipality are assigned to the head of council. 2022, c. 18, Sched. 2, s. 1.

Employment matters

(2) Subject to subsection (3) and the regulations, subsection (1) includes 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. 2022, c. 18, Sched. 2, s. 1.

Limitation

(3) The powers assigned under subsection (1) do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to any of the following persons:

1. The clerk or deputy clerk.
2. A treasurer or deputy treasurer.
3. An Integrity Commissioner.
4. An Ombudsman.
5. An Auditor General.
6. A registrar, as described in section 223.11.
7. A chief building official, as defined in the *Building Code Act, 1992*.
8. A chief of police, as defined in the *Police Services Act*.
9. A fire chief, as defined in the *Fire Protection and Prevention Act, 1997*.
10. A medical officer of health, as defined in the *Health Protection and Promotion Act*.
11. Other officers or heads of divisions required to be appointed under this or any other Act.
12. Any other prescribed persons. 2022, c. 18, Sched. 2, s. 1.

Transition

(4) Any organizational structure in place in a municipality immediately before being designated under this Part shall continue unless the organizational structure is changed by the head of council under subsection (1). 2022, c. 18, Sched. 2, s. 1.

Same

(5) The head of any division or of any other part of the organizational structure who held that position immediately before the municipality was designated under this Part shall continue in that position unless they are dismissed by the head of council under subsection (2). 2022, c. 18, Sched. 2, s. 1.

Same

(6) A head of council may exercise a power under subsection (2) with respect to a person regardless of when that person started their employment. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Powers re local boards

284.7 The power of the municipality to appoint chairs and vice-chairs of local boards is assigned to the head of council for any prescribed local board or local board within a prescribed class of local boards. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Powers re committees

284.8 Subject to the regulations, if any, the following powers of the municipality with respect to prescribed committees, or committees within a prescribed class of committees, are assigned to the head of council:

1. The power to establish or dissolve committees.
2. The power to appoint chairs and vice-chairs of committees.

3. The power to assign functions to committees. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Provincial priorities

284.9 (1) The Lieutenant Governor in Council may, by regulation, prescribe provincial priorities for the purposes of sections 284.10, 284.11 and 284.11.1. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 5 (1).

Same

(2) For greater certainty, sections 284.10, 284.11 and 284.11.1 only apply if the Lieutenant Governor in Council prescribes provincial priorities. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 5 (2).

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022; 2022, c. 24, Sched. 3, s. 5 (1, 2)- 20/12/2022

Powers re meetings

284.10 (1) Despite any procedure by-law passed by the municipality under subsection 238 (2), if the head of council is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority, the head of council may require the council to consider the matter at a meeting. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 6.

Interpretation

(2) In this section,

“meeting” has the same meaning as in subsection 238 (1). 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022; 2022, c. 24, Sched. 3, s. 6 - 20/12/2022

Veto powers

Application

284.11 (1) This section applies with respect to by-laws under,

- (a) this Act and the regulations, other than under any prescribed section;
- (b) the *Planning Act* and its regulations, other than any prescribed section; and
- (c) any other prescribed Act or regulation or prescribed section of an Act or regulation. 2022, c. 18, Sched. 2, s. 1.

By-law for consideration

(2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to subsection (3) of this section, if the head of council is of the opinion that all or part of a by-law that is subject to this section could potentially interfere with a prescribed provincial priority, the head of council may provide written notice to the council of the intent to consider vetoing the by-law. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 7.

Same, timing

(3) If the head of council intends to consider vetoing the by-law, the head of council shall provide the written notice described in subsection (2) on or before the earlier of two days after the day council voted in favour of the by-law or the prescribed deadline, if any. 2022, c. 18, Sched. 2, s. 1.

By-law commencement

(4) Despite any other Act, a by-law that is subject to this section shall be deemed not to have been passed by council until,

- (a) if notice has not been given under subsection (3), the earlier of,
 - (i) the day written approval of the by-law is given by the head of council to the municipality, and
 - (ii) two days after the day council voted in favour of the by-law or the prescribed deadline, as the case may be; or

- (b) if notice has been given under subsection (3), the earlier of,
 - (i) the day written approval of the by-law is given by the head of council to the municipality, and
 - (ii) 14 days, or such other prescribed time period, after the day the council voted in favour of the by-law. 2022, c. 18, Sched. 2, s. 1.

Veto powers

(5) Subject to subsection (6), if the head of council is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority, the head of council may veto the by-law by providing to the clerk, on the day of the veto, a written veto document that includes the veto and the reasons for the veto. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 7.

Same, timing

(6) The head of council shall not veto a by-law after giving approval under subclause (4) (b) (i) or after the expiry of the time period described in subclause (4) (b) (ii), as the case may be. 2022, c. 18, Sched. 2, s. 1.

Duties of clerk

- (7) If the head of council vetoes a by-law the clerk shall,
 - (a) by the next business day after the clerk receives the written veto document under subsection (5), provide each member of council, other than the head of council, a copy of the written veto document; and
 - (b) make the written veto document available to the public in accordance with the regulations, if any. 2022, c. 18, Sched. 2, s. 1.

Effect of veto

(8) If the head of council vetoes a by-law, clause (4) (b) does not apply and the by-law shall be deemed not to have been passed by council. 2022, c. 18, Sched. 2, s. 1.

Override of veto

(9) Within 21 days, or such other prescribed time period, after the day the clerk provides the written veto document to the members of council under clause (7) (a), council may override the head of council's veto if two-thirds of the members of council vote to override the veto. 2022, c. 18, Sched. 2, s. 1.

Head of council may vote

(10) For greater certainty, the head of council may vote as a member of council in a vote to override a veto. 2022, c. 18, Sched. 2, s. 1.

Effect of override

(11) If the council overrides the veto, subsection (8) does not apply and the by law shall be deemed to have passed on the day the council votes to override the veto. 2022, c. 18, Sched. 2, s. 1.

No notice

(12) The head of council shall not give notice under subsection (3) after giving approval under subclause (4) (a) (i). 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022; 2022, c. 24, Sched. 3, s. 7 - 20/12/2022

Powers re by-laws

- 284.11.1** (1) This section applies with respect to by-laws under,
- (a) this Act and the regulations, other than under any prescribed section;
 - (b) the *Planning Act* and its regulations, other than under any prescribed section; and
 - (c) any other prescribed Act or regulation or prescribed section of an Act or regulation. 2022, c. 24, Sched. 3, s. 8.

Procedure

(2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to any prescribed requirements, if the head of council is of the opinion that a by-law could potentially advance a

prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting. 2022, c. 24, Sched. 3, s. 8.

Same

(3) The head of council shall, in accordance with the regulations, provide to the clerk and to each member of council,

- (a) a copy of any by-law proposed under subsection (2); and
- (b) the head of council's reasons for the proposal. 2022, c. 24, Sched. 3, s. 8.

More than one-third vote required

(4) Despite any procedure by-law passed by the municipality under subsection 238 (2) and despite section 245, a by-law described in subsection (2) is passed if more than one third of the members of council vote in favour of the by-law. 2022, c. 24, Sched. 3, s. 8.

Head of council may vote

(5) For greater certainty, the head of council may vote as a member of council in a vote to pass a by-law described in subsection (2). 2022, c. 24, Sched. 3, s. 8.

Section Amendments with date in force (d/m/y)

2022, c. 24, Sched. 3, s. 8 - 20/12/2022

Vacancy, head of council

284.12 (1) Despite section 263, if a vacancy occurs in the office of the head of council, the municipality shall, subject to subsection (3) and in accordance with the regulations, if any, require a by-election to be held, in accordance with the *Municipal Elections Act, 1996*, to fill the vacancy. 2022, c. 18, Sched. 2, s. 1.

Rules applying to filling vacancy

(2) Subject to subsection (3) and the regulations, if any, the following rules apply to filling a vacancy in the office of head of council:

- 1. Within 60 days after the day a declaration of vacancy is made under section 262 with respect to the vacancy, the municipality shall pass a by-law requiring a by-election be held to fill the vacancy.
- 2. Despite paragraph 1, if a court declares the office of head of council to be vacant, the council shall act under subsection (1) within 60 days after the court makes its declaration.
- 3. Despite subsection (1), if the vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2022, c. 18, Sched. 2, s. 1.

Vacancy after March 31 in the year of a regular election

(3) Subject to the regulations, if any, if a vacancy in the office of head of council occurs after March 31 in the year of a regular election,

- (a) within 60 days after the day a declaration of vacancy is made under section 262 with respect to the vacancy, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed; and
- (b) the municipality is deemed not to be prescribed for the purposes of this Part for the remainder of the term of the head of council appointed under clause (a). 2022, c. 18, Sched. 2, s. 1.

Vacancy — upper-tier municipalities

(4) The Minister may, by regulation, prescribe the procedures, rules and other matters pertaining to vacancies in upper-tier municipalities that will apply despite anything in this section. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Delegation

284.13 (1) Subject to the prescribed limitations, if any, the head of council may delegate their powers and duties under the following sections:

- 1. Section 284.5 (chief administrative officer).

2. Section 284.6 (organizational structure).
3. Section 284.7 (local boards).
4. Section 284.8 (committees). 2022, c. 18, Sched. 2, s. 1.

Same

(2) The rules in subsection 23.1 (2) apply with necessary modifications to a delegation under subsection (1). 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Immunity

284.14 A decision made, or a veto power or other power exercised, legally and in good faith under this part shall not be quashed or open to review in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the decision or exercise of the veto power or other power. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Transition

284.15 (1) A person who held one of the following positions immediately before the municipality was designated under this Part shall continue in that position unless they are dismissed or their appointment is revoked, as the case may be, by a head of council:

1. Chief administrative officer.
2. Chair or vice-chair of a local board.
3. Chair or vice-chair of a committee. 2022, c. 18, Sched. 2, s. 1.

Same

(2) A head of council may dismiss or revoke the appointment of a person set out in subsection (1) regardless of when that person started in their position. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Powers and duties re. budget

284.16 (1) In accordance with this section and subject to the regulations, the powers and duties of a municipality with respect to proposing and adopting a budget are assigned to the head of council of the municipality. 2022, c. 18, Sched. 2, s. 1.

Proposed budget

(2) The head of council shall, in accordance with the regulations, prepare a proposed budget for the municipality and provide the proposed budget to the council for the council's consideration. 2022, c. 18, Sched. 2, s. 1.

Council may adopt or amend budget

(3) After receiving the proposed budget, council may, in accordance with the regulations, pass a resolution making an amendment to the proposed budget. 2022, c. 18, Sched. 2, s. 1.

Veto power

(4) The head of council may, in accordance with the regulations, veto a resolution passed under subsection (3). 2022, c. 18, Sched. 2, s. 1.

Override of veto

(5) Council may, in accordance with the regulations, override the head of council's veto under subsection (4) if two-thirds of the members of council vote to override the veto. 2022, c. 18, Sched. 2, s. 1.

Adoption of budget

(6) The budget for the municipality shall be adopted in accordance with the regulations. 2022, c. 18, Sched. 2, s. 1.

Same

(7) For greater certainty, the regulations may provide for the circumstances in which the budget is deemed to be adopted. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022

Regulations

284.17 (1) The Minister may make regulations for the purposes of this Part, including,

- (a) designating municipalities for the purposes of section 284.2;
- (b) requiring a head of council to make information and documents available to the council, the public and other persons or classes of persons and prescribing the information and documents to be made available;
- (c) respecting the form, manner and timing in which information and documents are to be made available to the council, the public or other persons or classes of persons;
- (d) respecting procedures and rules a head of council, a council and the clerk are required to follow in connection with this Part;
- (e) respecting the powers assigned to the head of council in connection with committees, for the purposes of section 284.8;
- (f) governing by-elections with respect to the office of head of council for the purposes of section 284.12;
- (g) respecting procedures, rules and other matters in connection with filling a vacancy in the office of head of council;
- (h) providing for such transitional matters as the Minister considers necessary or advisable in connection with the implementation of this Part;
- (i) defining, for the purposes of this Part and any regulations under this Part, any word or expression not defined in section 1 of this Act, and in so doing may define a word or expression differently for different provisions;
- (j) respecting the use of powers and performance of duties under this Part, including respecting conditions and limits with respect to their use or performance;
- (k) providing that a head of council cannot use a power or perform a duty, assigning those powers and duties to a council and prescribing procedures, rules and other matters in connection with such circumstances;
- (l) prescribing provisions of the Act or any other Act that apply or do not apply for the purposes of this Part and providing for such modifications to those provisions as the Minister considers appropriate;
- (m) prescribing deadlines, dates and time periods for the purposes of this Part. 2022, c. 18, Sched. 2, s. 1; 2022, c. 24, Sched. 3, s. 9.

Same

(2) Subject to subsection 284.9 (1), the Minister may make regulations prescribing anything that, under this Part, may or must be prescribed. 2022, c. 18, Sched. 2, s. 1.

Regulations, budget

(3) The Minister may, for the purposes of section 284.16, make regulations,

- (a) respecting the powers and duties of the head of council and of the council in connection with preparing and adopting a budget in a municipality;
- (b) respecting procedures, rules and other matters in connection with preparing and adopting a budget in a municipality; and
- (c) providing for the circumstances in which a budget is deemed to be adopted. 2022, c. 18, Sched. 2, s. 1.

Retroactive

(4) A regulation under this section may be retroactive to a date not earlier than six months before the date the regulation was made. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

2022, c. 18, Sched. 2, s. 1 - 23/11/2022; 2022, c. 24, Sched. 3, s. 9 - 20/12/2022

Français

Municipal Act, 2001

ONTARIO REGULATION 530/22

PART VI.1 OF THE ACT

Consolidation Period: From July 1, 2023 to the [e-Laws currency date](#).

Last amendment: 180/23.

Legislative History: 581/22, 180/23.

This is the English version of a bilingual regulation.

Designated municipalities

1. The following municipalities are designated for the purpose of section 284.2 of the Act:

1. The Town of Ajax.
2. The City of Barrie.
3. The City of Brampton.
4. The City of Brantford.
5. The City of Burlington.
6. The Town of Caledon.
7. The City of Cambridge.
8. The Municipality of Clarington.
9. The City of Guelph.
10. The City of Hamilton.
11. The City of Kingston.
12. The City of Kitchener.
13. The City of London.
14. The City of Markham.
15. The Town of Milton.
16. The City of Mississauga.
17. The City of Niagara Falls.
18. The Town of Oakville.
19. The City of Oshawa.
20. The City of Ottawa.
21. The City of Pickering.
22. The City of Richmond Hill.
23. The City of St. Catharines.
24. The City of Vaughan.
25. The City of Waterloo.
26. The Town of Whitby.
27. The City of Windsor. O. Reg. 180/23, s. 1.

Attachment 2 to Report CNCL-23-92

In writing requirements re s. 284.3 of Act

2. When directing municipal employees under section 284.3 of the Act, the head of council shall, by the next business day, provide a written record of the direction to the clerk and chief administrative officer, if one is appointed.

Other in writing requirements

3. Except as otherwise provided in the Act and this Regulation, when exercising a power or performing a duty under Part VI.1 of the Act the head of council shall,

- (a) by the next business day, provide the written record produced in accordance with subsection 284.4 (1) of the Act to each member of council and to the clerk; and
- (b) subject to the *Municipal Freedom of Information and Protection of Privacy Act*, make the written record available to the public.

Prescribed committees

4. Committees established under the Act that consist solely of members of council are prescribed for the purposes of section 284.8 of the Act.

Veto power, s. 284.11 of Act

5. (1) Section 284.11 of the Act does not apply with respect to by-laws under sections 289 and 290 of the Act.

(2) Section 284.11 of the Act applies with respect to by-laws under section 2 of the *Development Charges Act, 1997*.

Vacancy, upper-tier municipality

5.1 If a vacancy in the office of the head of council of a local municipality causes a vacancy on the council of its upper-tier municipality, the local municipality and not the upper-tier municipality shall fill the vacancy in accordance with section 284.12 of the Act. O. Reg. 180/23, s. 2.

Limitations on delegation, s. 284.13 of Act

6. (1) The head of council may not delegate their powers and duties under the sections referred to in paragraphs 1 and 4 of subsection 284.13 (1) of the Act except to council.

(2) The head of council may not delegate their powers and duties under the section referred to in paragraph 2 of subsection 284.13 (1) of the Act except to council or to the chief administrative officer, if one is appointed.

Annual budget

7. (1) The head of council shall, on or before February 1 of each year,

- (a) prepare a proposed budget for the municipality that includes the estimates of sums required under subsection 289 (1) or 290 (1) of the Act, as the case may be;
- (b) provide the proposed budget to each member of council and to the clerk; and
- (c) make the proposed budget available to the public.

(2) If the head of council does not propose a budget to council by February 1 in accordance with subsection (1), the council shall prepare and adopt the budget for the municipality.

(3) Subject to subsection (4), within 30 days after receiving the proposed budget from the head of council in accordance with clause (1) (b), the council may pass a resolution making an amendment to the proposed budget.

(4) A council may in a year pass a resolution to shorten the 30-day period referred to in subsection (3) for the year.

(5) If council does not pass a resolution under subsection (3) within 30 days, or, if a shorter period is set under subsection (4), within that period, the proposed budget shall be deemed to be adopted by the municipality.

(6) Subject to subsection (7), within 10 days after the expiry of the time period for council to pass a resolution under subsection (3), the head of council may veto a resolution passed by council under subsection (3) by providing on the day of the veto to each member of council and to the clerk a written veto document that includes the veto and the reasons for the veto.

(7) The head of council may in a year shorten the 10-day period referred to in subsection (6) for the year by providing to each member of council and to the clerk a written document specifying a shorter period.

Attachment 2 to Report CNCL-23-92

(8) If the head of council vetoes a resolution in accordance with subsection (6), the resolution shall be deemed not to have been passed by council.

(9) If the head of council does not veto a resolution in accordance with subsection (6) within 10 days or, if a shorter period is set under subsection (7), within that period, the proposed budget shall be deemed to be adopted by the municipality.

(10) Subject to subsection (11), within 15 days after the expiry of the time period for the head of council to veto a resolution under subsection (6), council may override the head of council's veto if two-thirds of the members of council vote to override the veto.

(11) A council may in a year pass a resolution to shorten the 15-day period referred to in subsection (10) for the year.

(12) For greater certainty, the head of council may vote as a member of council in a vote to override a veto.

(13) If the council overrides the veto under subsection (10), subsection (8) does not apply, and the resolution shall be deemed to be passed by council.

(14) After the expiry of the time period for council to override the head of council's veto under subsection (10), the proposed budget is deemed to be adopted by the municipality.

Budget process — conflict of interest

8. If, under section 5.3 of the *Municipal Conflict of Interest Act*, the head of council is prohibited from using the power and exercising the duty under subsection 284.16 (2) of the Act to prepare the proposed budget for the municipality with respect to a matter,

- (a) council may pass a resolution to amend the proposed budget with respect to the matter; and
- (b) the head of council may not veto the resolution.

Budget process — in-year budget amendments

9. (1) The head of council may, for the purpose of raising an additional general upper-tier levy or a special upper-tier levy in the year under section 311 of the Act or a general local municipality levy or a special local municipality levy in the year under 312 of the Act, as the case may be, prepare a proposed budget amendment for the municipality and,

- (a) provide the proposed budget amendment to each member of council and to the clerk; and
- (b) make the proposed budget amendment available to the public.

(2) Subject to subsection (3), within 21 days after receiving the proposed budget amendment from the head of council in accordance with subsection (1), the council may pass a resolution making an amendment to the proposed budget amendment.

(3) A council may in a year pass a resolution to shorten the 21-day period referred to in subsection (2) for the year.

(4) If council does not pass a resolution under subsection (2) within 21 days, or, if a shorter period is set under subsection (3), within that period, the proposed budget amendment shall be deemed to be adopted by the municipality.

(5) Subject to subsection (6), within 5 days after the expiry of the time period for council to pass a resolution under subsection (2), the head of council may veto a resolution passed by council under subsection (2) by providing to each member of council and to the clerk, on the day of the veto, a written veto document that includes the veto and the reasons for the veto.

(6) The head of council may in a year shorten the 5-day period referred to in subsection (5) for the year by providing to each member of council and to the clerk a written document specifying a shorter period.

(7) If the head of council vetoes a resolution in accordance with subsection (5), the resolution shall be deemed not to have been passed by council.

(8) If the head of council does not veto a resolution in accordance with subsection (5) within 5 days, or, if a shorter period is set under subsection (6), within that period, the proposed budget amendment shall be deemed to be adopted by the municipality.

(9) Subject to subsection (10), within 10 days after the expiry of the time period for the head of council to veto a resolution under subsection (5), council may override the head of council's veto if two-thirds of the members of council vote to override the veto.

Attachment 2 to Report CNCL-23-92

(10) A council may in a year pass a resolution to shorten the 10-day period referred to in subsection (9) for the year.

(11) For greater certainty, the head of council may vote as a member of council in a vote to override a veto.

(12) If the council overrides the veto under subsection (9), subsection (7) does not apply, and the resolution shall be deemed to be passed by council.

(13) After the expiry of the time period for council to override the head of council's veto under subsection (9), the proposed budget amendment is deemed to be adopted by the municipality.

Powers re by-laws, s. 284.11.1 of the Act

10. (1) Section 284.11.1 of the Act does not apply with respect to,

(a) by-laws under sections 238, 289 and 290 of the Act; and

(b) by-laws with respect to the filling of vacancies under section 263 of the Act. O. Reg. 581/22, s. 1.

(2) Section 284.11.1 of the Act applies with respect to by-laws under section 2 of the *Development Charges Act, 1997*. O. Reg. 581/22, s. 1.

Français

Municipal Act, 2001

**ONTARIO REGULATION 580/22
PROVINCIAL PRIORITIES**

Consolidation Period: From December 20, 2022 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Provincial priorities

1. The following are provincial priorities prescribed for the purposes of sections 284.10, 284.11 and 284.11.1 of the Act:

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.

2. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français

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Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
Appoint the C.A.O. Section 284.5	The powers of the municipality under Section 229 with respect to the appointment of the C.A.O. are assigned to the Head of Council	City Council appoints the C.A.O. and sets out their duties and responsibilities via By-law 33-98, as amended.	Yes – to Council only as per Section 284.13 and O.Reg 530/22	The Mayor may exercise their authority by appointing the C.A.O., or may delegate this power back to City Council as a whole. Pursuant to Mayoral Decision MDE-2023-03 , this has been delegated to City Council.
Organizational Structure Section 284.6(1)	The powers of the municipality with respect to determining the organizational structure are assigned to the Head of Council.	City Council approves the organizational structure based on recommendation of the C.A.O.	Yes – to the C.A.O. or Council as per Section 284.13 and O.Reg 530/22	The Mayor may exercise their authority by determining the organizational structure, or may delegate this power to either the C.A.O. or to Council. Pursuant to Mayoral Decision MDE-2023-02 , this has been delegated to the C.A.O.

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.I and Mayoral Decisions or Directions
Employment Matters Section 284.6(2)	The Head of Council has 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, subject to limitations on specific positions (i.e. Clerk, Deputy Clerk, Treasurer, Deputy Treasurer, Chief Building Official, Fire Chief, etc.)	The C.A.O. is responsible for the direction and supervision of Commissioners and is responsible for recommendations to Council on the individual appointment, conditions of employment or dismissal of Commissioners. The C.A.O. also has overall responsibility for management and non-union personnel including consultation with Commissioners on appointment, retention, conditions of employment and dismissal.	Yes – to the C.A.O. or Council as per Section 284.13 and O.Reg 530/22	Municipal benchmarking suggests that this power extends to all employees that have any kind of management or oversight responsibilities (i.e. Commissioners, Directors, Managers, and Supervisors). Pursuant to Mayoral Decision MDE-2023-02 , this has been delegated to the C.A.O.
Local Boards Section 284.7	The Head of Council has the power to appoint Chairs and Vice-Chairs of prescribed Local Boards (or prescribed classes of Local Boards)	The City of Oshawa does not currently have Local Boards.	Yes, as per Section 284.13 and O.Reg 530/22. There are no limitations listed in the Regulation	At this time, there are no Local Boards prescribed by the regulations.

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.I and Mayoral Decisions or Directions
Committees Section 284.8	<p>The Head of Council has the power to:</p> <ul style="list-style-type: none"> • establish or dissolve committees, • appoint chairs/vice-chairs • assign functions <p>For the purposes of these powers, the Committee must consist solely of members of Council.</p>	<p>The Standing Committee structure is set out in Section 4 of Council’s Procedure By-law 128-2022 which establishes the Committee and sets out the function of each. At least once per term (and from time to time as it deems appropriate), Council appoints members, Chairs and Vice Chairs for each Committee.</p> <p>Ad hoc Committees may also be established from time to time by Council (i.e. Port of Oshawa Working Group). When this occurs, Council sets out the membership and function by resolution.</p>	<p>Yes – to Council only as per Section 284.13 and O.Reg 530/22.</p>	<p>The Mayor may delegate the authority over Committees back to Council only.</p> <p>There is a transition clause with respect to the current Chairs/Vice-Chairs of Committees. However, as there is no transition clause with respect to the Committee structure, pursuant to Mayoral Decision MDE-2023-04, the Mayor has reaffirmed the current Committee Structure.</p> <p>If, in future, the Committees’ functions are changed or the Committees are dissolved and new ones are established, changes would be required to the Procedure By-law as well.</p>

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
<p>Direction to Municipal Employees</p> <p>Section 284.3</p>	<p>The Head of Council may direct municipal employees to undertake research and provide advice on policies/programs or carry out duties related to the Head of Council exercise of power or duties under the Act, including implementing decisions</p>	<p>Members of staff currently may only be directed by Council as a whole.</p>	<p>No</p>	<p>All direction must be given in writing. When such direction is given, the Mayor must provide a written record of the direction to the Clerk and C.A.O. by the next business day.</p> <p>In addition, the Mayor must provide a written record to each Member of Council and make them available to the public. A webpage has been established to publish all Mayoral Decisions and Directions.</p> <p>At this time, the Mayor has provided only one Mayoral Direction, MDIR-2023-01 with respect to preparing the 2024 budget.</p>

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
Introduce Matters at a Meeting Section 284.10	The Head of Council may require Council to consider a matter at a meeting if they believe it will advance a prescribed provincial priority.	The Mayor may introduce a new item at Standing Committee or via the Notice of Motion process at Council.	No	If the Mayor believes a matter would potentially advance a prescribed provincial priority, they may require Council to consider the matter at a meeting, regardless of any other rules set out in the Procedure By-law.

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
<p>Bring By-laws Forward</p> <p>Section 284.11.1</p>	<p>The Head of Council may propose a by-law at a meeting if they believe it will advance a prescribed provincial priority. The Head of Council can require Council to consider and vote on a by-law.</p> <p>This power does not apply with respect to by-laws passed under Sections 238, 289, 290 or 263.</p>	<p>Under the current rules of procedure, the Mayor cannot introduce a by-law.</p>	<p>No</p>	<p>If the Mayor wishes to propose a by-law that they believe will advance a prescribed provincial priority, they must provide a copy of the proposed by-law and the reasons for its proposal to the City Clerk and all members of Council.</p> <p>Such a by-law is deemed passed if more than 1/3 of members of Council vote in favour of the by-law. The Mayor may vote as a Member of Council on the proposed by-laws.</p> <p>Benchmarking among the affected municipalities suggests that the threshold is 1/3 of the Council, regardless of the number present at the meeting, minus any with a conflict of interest. Generally in Oshawa, this will mean 4 members voting in favour.</p>

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
Veto Powers for By-laws Section 284.11	<p>The Head of Council may veto all or part of a by-law if they believe it could interfere with a prescribed provincial priority.</p> <p>Presently, the Head of Council may veto by-laws passed under the Municipal Act (except Section 289 or 290), the Planning Act or Section 2 of the Development Charges Act.</p> <p>This power does not apply to by-laws passed under Section 289 or 290 of the Municipal Act.</p>	<p>This power does not exist in current practice.</p>	<p>No</p>	<p>Power must be exercised in writing. If the Mayor wishes to veto a by-law, they must provide notice to Council (or the veto itself) within 2 days of Council voting in favour of the by-law.</p> <p>If notice of intent to veto is not given, the by-law is still not considered passed until 2 days after the vote unless the Mayor gives written approval earlier. Staff have prepared a form to allow the Mayor to identify before or immediately following a meeting if they do not intend to veto certain by-laws to allow the earlier passage.</p> <p>If notice of intent to veto is given but the actual veto document has not yet been submitted, the by-law is not considered passed until the earlier of:</p> <ul style="list-style-type: none"> • the day the Mayor gives written approval

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.I and Mayoral Decisions or Directions
				<p>of the by-law to the municipality or</p> <ul style="list-style-type: none"> • 14 after the Council voted in favour of the by-law. <p>When notice has been given, the Mayor must provide a veto document to the Clerk that advises of the veto and the reasons within 14 days of giving notice. The Clerk will provide each Councillor with a copy of the written document and make it available to the public.</p> <p>Overriding A Veto</p> <p>Within 21 days after the day the Clerk provides the veto to Councillors, Council may override the Mayor's Veto with a 2/3 vote of Council. During this vote, the Mayor's vote will count. If Council overrides the veto, the by-law is deemed passed on the day of the override vote.</p>

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

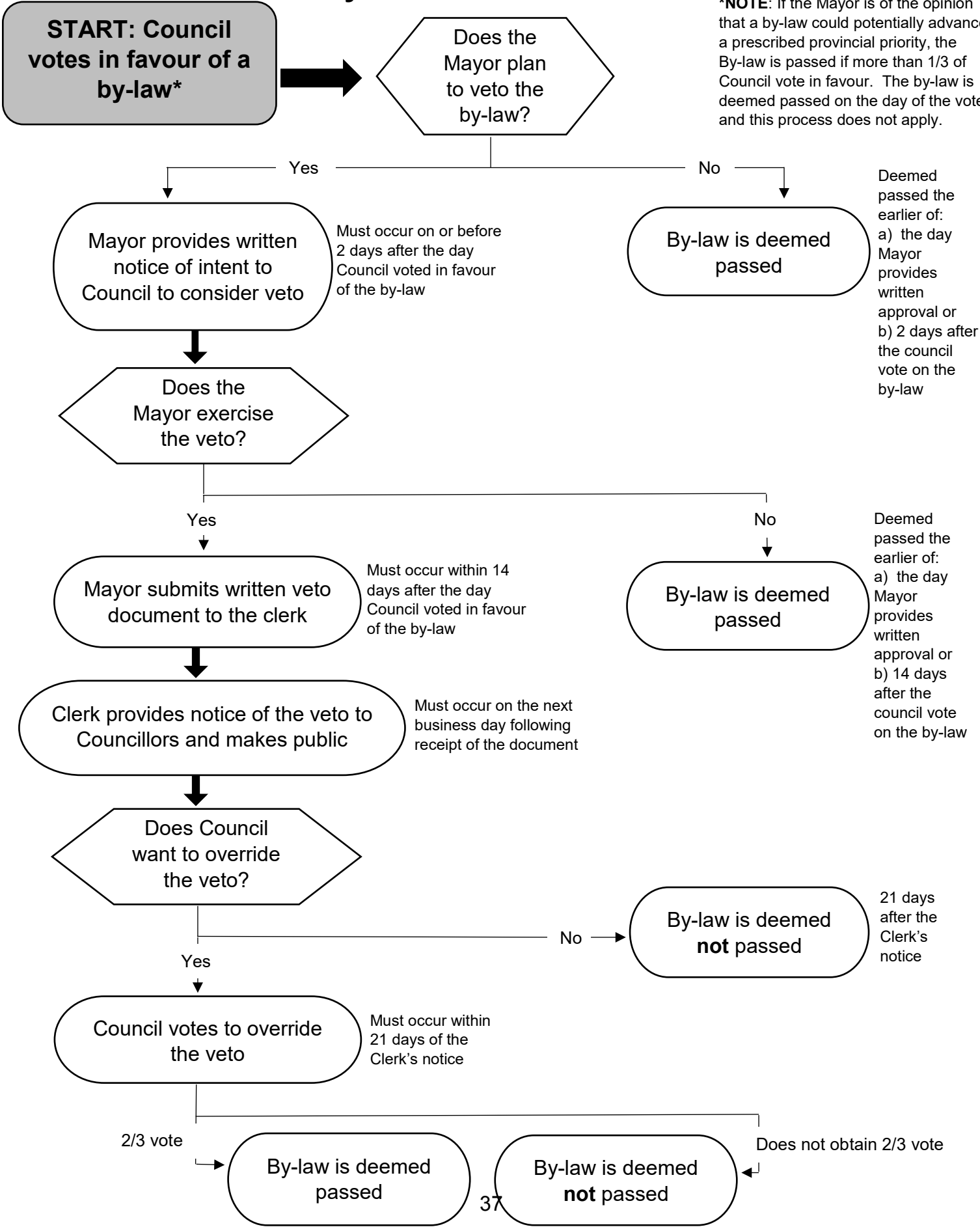
Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
<p>Vacancies for Head of Council Section 284.12</p>	<p>Should the Head of Council position become vacant mid-term, a by-election is required (subject to specific limitations)</p>	<p>Council determines the method of filling any vacancy (not specifically Head of Council or Councillor position) in accordance with the Vacancy Policy. The Policy states that if the vacancy occurs between March 31 and 90 days prior to Voting Day in the year of a regular election, Council will not fill the vacancy via by-election. If the vacancy occurs less than 90 days prior to Voting Day, Council may leave the position vacant.</p>	<p>No</p>	<p>If the Mayor's position becomes vacant at any time during the term prior to March 31 in the year of a regular election, the City must hold a by-election to fill the vacancy.</p> <p>If the vacancy occurs between March 31 and 90 prior to voting day in the year of a regular election, the City may appoint a Mayor, however the City will no longer be deemed to have Strong Mayor powers until an elected Mayor takes office.</p> <p>If the vacancy occurs less than 90 days before voting day in the year of a regular election, the City is not required to fill the vacancy and would not have Strong Mayor powers until an elected Mayor takes office.</p>

Summary of the Powers and Duties under Part VI.1 of the Municipal Act, 2001

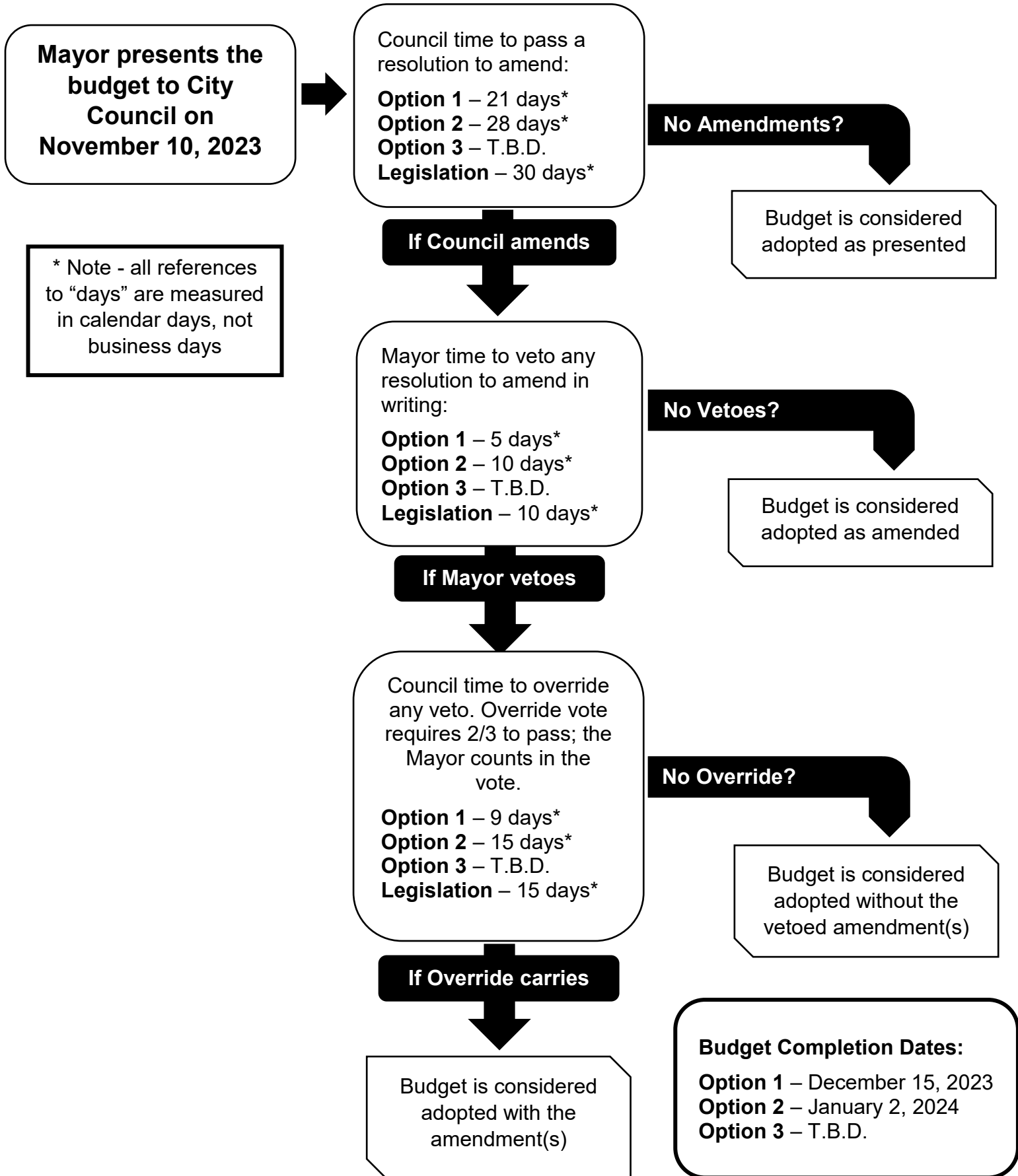
Power/Duty	Description	Current Practice	Can Power/Duty be Delegated?	Practice or Options under Part VI.1 and Mayoral Decisions or Directions
Budget Preparation Section 284.16	On or before February 1 of each year, the Head of Council shall prepare and present a proposed budget to Council and provide it to the Clerk and make it available to the public	Staff present a proposed budget to Council for consideration and debate, ending in adoption at the end of the process.	No. If the Head of Council does not provide a budget by Feb. 1, the duty is forfeited and Council must prepare the budget.	Please see the Budget flow chart. Pursuant to Mayoral Direction MDIR-2023-01 , the Mayor has directed staff to prepare a 2024 Operating Budget, Capital Budget and Nine-Year Capital Forecast for presentation to Council on November 10, 2023.

By-law Veto Flow Chart

***NOTE:** If the Mayor is of the opinion that a by-law could potentially advance a prescribed provincial priority, the By-law is passed if more than 1/3 of Council vote in favour. The by-law is deemed passed on the day of the vote and this process does not apply.



Budget Flow Chart



* Note - all references to "days" are measured in calendar days, not business days