



STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

Regular Council

Report to: Mayor, Deputy Mayor, and Councillors
From: Brent Larmer, Town Clerk/Director, Legislative Services
Report Number: LS-2025-014
Council Meeting Date: April 30, 2025
Subject: **Strong Mayor Powers Overview**

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1. Recommendation:

THAT Council receives the staff report on Strong Mayor Powers overview to take effect in the Town of Cobourg on May 1, 2025 for information purposes; and

FURTHER THAT Council direct Staff to review the various Council, policies and by-laws now the Town of Cobourg is a Strong Mayor municipality and provide recommendations on amendments where necessary for Council review and consideration.

2. Executive Summary:

On April 9th 2025, the Ontario Government announced that it will be expanding strong mayor powers to the heads of council of an additional 169 municipalities effective May 1, 2025, including the Town of Cobourg. The extension of the additional authority is intended to assist with delivering on provincial priorities, including building more homes, transit and infrastructure across Ontario.

Strong Mayor Powers provides Mayors with powers related to administrative and organizational structure, powers to advance provincial priorities, and the responsibility to prepare the annual budget.

3. Background

On April 9th 2025, the Minister of Municipal Affairs and Housing sent correspondence to the Town form Minister Flack on the expansion of the Strong Mayors powers under Bill 3, Strong Mayors, Building Homes Act, 2022, and Bill 39, Better Municipal Governance Act, 2022, beyond the previous forty-seven (47) municipalities and to include 169 new municipalities who will have Strong Mayor Powers as of May 1, 2025.

Bill 3 adds a new Part VI.1, “Special Powers and Duties of the Head of Council” to the *Municipal Act, 2001*, and some changes to the Municipal Conflict of Interest Act.

Bill 39 authorizes the Mayor to introduce certain by-laws that would require more than one-third of the members of Council to pass, rather than a majority.

History and Timeline of the Strong Mayor Powers are as follows:

September 8, 2022: Bill 3, Strong Mayors, Building Homes Act, 2022 (“Bill 3”) receives royal assent; in force November 23, 2022 (see Bill 3).

October 25, 2022: Bill 23, *Build More Homes Faster Act, 2022* is introduced the day after municipal voting across Ontario; written submissions to the Standing Committee due two days after the formation of new councils (e.g., no consultation with municipalities); Toronto and Ottawa have under a month to transition to “strong mayor powers” (see Bill 23).

November 23, 2022: Ontario Regulation 530/22 (Part VI.1 of the Act) comes into force; this regulation is an important companion to, and should be read together with, Bill 3. In particular, details about the budget process under strong mayor powers are provided, and other things prescribed (such as committees) for the purposes of Bill 3 (see O. Reg. 530/22).

December 8, 2022: Bill 39, Better Municipal Governance Act, 2022 (“Bill 39”) receives royal assent; in force as of December 20, 2022 (see Bill 39).

June 16, 2023: Effective July 1, 2023, twenty-six (26) additional municipalities are given “strong mayor powers”, in addition to Toronto and Ottawa, via amendment to Ontario Regulation 530/22 under the *Municipal Act, 2001* (see O. Reg. 180/23); these municipalities have only two weeks to transition to “strong mayor powers”.

August 21, 2023: Premier Doug Ford announces that twenty-one (21) additional municipalities, will be given strong mayor powers, if their mayors commit in writing by October 15, 2023, to meet their respective provincially assigned housing targets. Any strong mayor powers granted to these additional municipalities will

come into effect on October 31, 2023. Premier Ford encourages councils to prepare and submit a housing pledge by December 15, 2023, showcasing the strategies and actions that they will take to achieve their provincially assigned housing target.

Council Resolution – December 18th, 2022

On December 18th, 2022, at the Regular Council Meeting Council passed a resolution following the introduction of the Strong Mayor Powers legislation in Ontario. Staff have included this information as part of the background report as it relates to the recent legislation that the Town of Cobourg has now become legislated under, as of May 1, 2025.

Council Resolution – 406-2022

THAT Council receive the correspondence from the Municipality of Prince Edward County, Township of Lanark Highlands Municipality of Greenstone regarding Strong Mayors, Building Act (Bill 3) for information purposes;

AND FURTHER THAT Cobourg Council supports the resolution from these municipalities regarding Bill 3; and

FURTHER THAT Cobourg Council opposes the changes that Bill 3 makes to the Municipal Act, 2001 and Municipal Conflict of Interest Act; and

FURTHER THAT COUNCIL direct the Municipal Clerk to send a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, MPP David Piccini, all 444 municipalities, FCM, AMTCO, and AMO.

The Council Resolution has been attached to this Staff Report as an attachment which includes the corresponding municipal resolutions that this Council supported.

4. Discussion:

As of May 1, 2025, the Town of Cobourg will be 1 of 218 municipalities in Ontario to be provided with the Strong Mayor Powers. Prior to the introduction of this new legislation (*Bill 3, Strong Mayors, Building Homes Act, 2022, and Bill 39, Better Municipal Governance Act, 2022*) was passed in 2022 and expanded in 2023, the weak mayor system has been the traditional form of local governance across all jurisdictions in Canada. Similar to other provincial statutes across the country, whereby the authority of the head of council to take action and make decisions was limited. The legislation presents a very significant shift within the system of local governance in Ontario, moving from the historical “weak mayor” system,

considered by cooperation and concession amongst an duly elected council, to a centralized executive power coming directly from the office of the mayor.

It is important to note that many of the Strong Mayor Powers are discretionary and can be exercised, not exercised, or delegated by the Mayor to either Council as a whole, or to the CAO.

Across Ontario, there are a variety of approaches occurring and taking form, with some Mayors indicating that they do not intend to use the new powers, some indicating that they do, and others who have delegated or are preparing to delegate some powers (in particular, those relating to the administrative, organizational and political structure of the Town) to the CAO or Council, as the case may be.

The following is a general overview of the highlights on some of the changes that will take effect as of May 1, 2025.

Mayoral Decisions and Mayoral Directives

Mayoral Decisions are records of decisions made by the Mayor regarding governance and policy.

Mayoral Directives are records of directions made by the Mayor and given to Staff to do research and preparation of an item under Section 284.3 of the Act.

Mayoral Decisions and **Mayoral Directives** can be revoked and replaced by other decisions/directives at any time.

The Town, through the Clerk's Office, has set up a dedicated Strong Mayor Power page on the Town's website, where the Town Clerk will post information about Strong Mayor Powers as well as Mayoral Directives and Mayoral Decisions.

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

It is anticipated that when the Strong Mayor Powers take effect that amendments to existing Town By-laws and Policies may be required including the Procedural By-law, Delegation of Authority By-law, Procurement By-law, Council Code of Conduct, and Staff-Council Relations Policy. Staff are presently reviewing these various documents to determine what amendments may be required and will bring a subsequent report forward based on by-law and policy as necessary.

The Mayor has the sole discretion in determining whether to exercise the powers under this part of the Act. As long as the decisions made by the Mayor or any powers exercised by the Mayor, including the veto power, are exercised legally

and in good faith, the decision or power cannot be quashed or open to any review by a court, even if they may be considered unreasonable.

Council Governance

Authority – Section 284.8 MA

The Mayor is granted power to establish Committees of Council, assign their functions, and appoint the Chairs and Vice-Chairs. This power applies only to Committees **that are comprised solely by Members of Council**.

This would include the following bodies currently enacted; Community Services, Protection and Economic Development Standing Committee, Public Works, Planning and Development Standing Committee, and Corporate, Finance, and Legislative Standing Committee.

Council retains the power to establish committees comprised of at least one non-Councillor member (i.e. an advisory Committee). The power to appoint Chairs and Vice-Chairs of Local Boards is for prescribed boards.

Direction to Staff

Authority – Section 284.3 MA

The Mayor may direct Town staff to undertake research, provide advice to the Mayor and Council on Town policies and programs, and direct the implementation of Mayoral decisions related to the powers under Part VI.1 of the *Municipal Act*.

The Mayor is given the authority to direct staff 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 the exercise of the power, including implementing any decisions made by the Mayor.

Examples include working on the budget, changing the organizational structure, etc. The direction must be made in writing, must be provided to the Clerk by the next business day, and must be made available to the public.

Organizational Structure

Authority – Section 284.6 MA

The Mayor is given the power to determine the organizational structure of the municipality. This includes the authority 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. This wording is taken to permit the Mayor to hire or dismiss any management Staff who oversee a defined department, division or section of the organization, and depending on the circumstances of the organizational structure, may include managers and supervisors.

The Mayor may delegate this power to the CAO or Council through a Mayoral Decision. 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;
- 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; and
- Any other prescribed persons (at the time of this report, there are not other persons prescribed by regulation).

Power to Appoint the Chief Administrative Officer

Authority – Section 284.5 MA

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

Provincial Priorities and Powers on Adding Items to a Meeting

Authority – Section 284.10 MA

Authority - O. Reg. 580/22

The Mayor has the ability to exercise specific powers related to “Provincial Priorities” defined in O. Reg. 580/22. The Mayor can exercise these powers for Council to consider, advance and decide on matters that are in the opinion of the Mayor, related to the Provincial Priorities.

Those priorities are described as:

1. Building 1.5 million new residential units by December 31, 2031.
2. Constructing and maintaining infrastructure to support housing, including,
 - I. transit,
 - II. roads,
 - III. utilities, and
 - IV. servicing.

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

Bringing Forward Bylaws for Consideration

Authority – Section 284.11 MA

The Mayor may propose By-laws under the *Municipal Act*, the *Planning Act*, and any other prescribed Act or regulation or prescribed section of an Act or regulation and require Council to consider and vote on the proposed By-law at the meeting, if in their opinion, it could potentially advance a prescribed Provincial Priority.

If the Mayor wishes to exercise their power to bring forward a By-law at the meeting, the Mayor must provide a copy of the proposed By-law and the reasons for the proposal to the Clerk and to all Members of Council which staff recommend be issued through a **Mayoral Decision**.

The Mayor may wish to consider issuing a **Mayoral Directive** first directing staff to do appropriate research on the by-law prior to issuing the **Mayoral Decision** on the proposed by-law.

Upon consideration and voting, the By-law is deemed to be passed if one-third of the members of Council (i.e. three (3) of the total seven (7) 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 to advance a By-law that requires specific procedural steps as required by statute to be taken prior to being passed by Council such as a zoning By-law that would still require notice requirements, and a statutory public meeting prior to its passage.

These powers do not apply with respect to By-laws passed under the following sections of the Act:

- Section 238 (Procedural By-law);
- Section 289 (Yearly Budget – Upper Tier);
- Section 290 (Yearly Budget – Local Municipality); and
- Section 263 (Filling Vacancies on Council)

Veto Powers for By-laws

Authority – Section 284.11 MA

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*.

There are specific procedural requirements that the Mayor must follow in order to exercise their veto authority:

- The Mayor must inform the Clerk and each member of Council in writing within two (2) 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 fourteen (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 twenty-one (21) days of the Clerk's notice of the veto, Council may override the veto upon a two-third vote of members of Council. The Mayor may vote in the Council decision to override the veto.

Powers and Duties Regarding the Budget

The powers and duties of the municipality, with respect to proposing and adopting a budget, are assigned to the Mayor, as set out in Section 284.16 of the Act.

The Mayor must prepare a proposed budget for the municipality and provide it to Council for consideration as well as make it available to the public, prior to February 1st each year. This cannot be delegated. Should the Mayor not present the budget by February 1, then Council shall prepare and adopt the budget for the municipality.

Staff would recommend that the Mayor issue a Mayoral Directive to staff directing the Director of Corporate Services/Treasurer and CAO to prepare a proposed 2025 Operating Budget, Capital Budget by a set date.

After receiving the proposed budget from the Mayor, within 30 days of receipt, Council, at a Council 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.

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 through a Mayoral Decision. 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 (or shorter, if set by Council) to override the veto on a two-third (i.e. 5 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.

In-Year Budget Amendments – Requiring an Additional Levy

Under Strong Mayor Powers, the Mayor may prepare an in-year budget amendment, for the purpose of raising an additional levy, by providing the proposed budget amendment to the Members of Council, the Municipal Clerk and the public.

Similar to the annual budget process, there are time periods in place for Council to consider amendments, the Mayor to issue vetoes, etc. pursuant to O. Reg. O. Reg. 530/22: PART VI.1 of the Act Section 9.

Vacancy of the Mayor

For municipalities with Strong Mayor Powers, amendments were made to the legislation with respect to filling the Mayor's office if it becomes vacant. There is no longer an option of appointing a Mayor on or before March 31 of an election year; instead, a by-election would be required.

If the Mayoral vacancy occurs after March 31 and 90 days prior to Voting Day in the year of a regular election, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed. In this case, the municipality is deemed not to be prescribed for the purposes of Part VI.1 of the Act for the remainder of the term of the appointed Mayor. As a result, the appointed Mayor cannot exercise the Strong Mayor Powers as they do not apply to the municipality during that period of time, and those powers are exercised by Council.

If the vacancy occurs less than 90 days before voting day in the year of a regular election, the Town is not required to fill the vacancy and would not have Strong Mayor Powers until an elected Mayor takes office.

Conflict of Interest

The Municipal Conflict of Interest Act is amended by adding Section 5.3, which is specific to the Mayor and their Strong Mayor Powers.

If the Mayor has any pecuniary interest and has a power of duty under Part VI.1, except the power to delegate in Section 284.13, the Mayor shall disclose the interest in the matter by filing a written statement, including its general nature with the Clerk. The Mayor cannot use the power or exercise the duty and shall not use their office in any way to attempt to influence any decision or recommendation of the municipality.

If the Mayor declares a conflict related to the budget, the Mayor is prohibited from using their power and exercising their duty under Section 284.16(2) of the Act to veto resolutions on budget amendments where they have a conflict of interest. It

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

AMCTO Research and Report

As part of the support for the upcoming changes to the Town of Cobourg governance process with the introduction of strong Mayor Powers, the Clerks department has collaborated with and conducted a jurisdictional scan of current and ongoing practices through the support of the Association of Municipal Clerks and Treasurers (AMCTO). Staff have also attended webinars on April 25th 2025 and available municipal drop-in sessions organized by AMCTO. Attached to the Staff report as Attachment “3” is research conducted by the association on the use of the strong mayor powers with the current municipalities who have been authorized as a Strong Mayor Municipality.

Summary

In the view of Province, by centralizing administrative control, the Mayor can act swiftly on critical issues, reducing delays and ensuring efficient implementation of projects. The expansion of Strong Mayor powers to additional municipalities in Ontario is aimed to accelerate the delivery of provincial priorities. By empowering mayors with greater executive authority, the province intends to streamline processes, reduce obstacles, and ensure timely development of housing and infrastructure.

These enhanced powers come with increased accountability for the Mayor and maintains essential checks and balances through the oversight of Councillors.

As staff continue to understand the impacts of this legislation, future updates to bylaws and governing documents may be necessary and would come forward for Council discussion as part of the annual governance reviews conducted by the Clerk’s Office each year, or as needed as well as report to Council on any further details or clarification as requested.

One such item is to review the need for a lobbyist registry. Section 223.9 of the *Municipal Act*, provides municipalities with discretion and authority to establish a lobbyist registry.

A lobbyist registry is a publicly accessible accountability and transparency tool that generally involves recording and regulating the activities of those who try to influence public office holders. Given the extension of strong mayor powers, it may be appropriate to bring forward any additional information for Council’s consideration.

5. Financial Impact and Budget

There are no financial or budget impacts related to this staff report.

6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:

☐ Thriving Community

☐ Service Excellence

☐ Sustainability

7. Public Engagement:

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

8. Attachments:

Attachment 1 – Strong Mayor Powers Table and Summary

Attachment 2 – Minister's Letter to Heads of Council

Attachment 3 – Strong Mayor Authorities Full Research Report

Attachment 4 - Cobourg Council Strong Mayors Resolution 406-2022

Attachment 5 - Strong Mayor Powers Veto Flow Chart

Attachment 6 - Strong Mayor Powers Budget Scenario Flow Chart

Attachment 7 - Draft Mayoral Directives

Attachment 8 - Draft Mayoral Decision

9. Report Not Considered by Standing Committee Because:

☒ Time Sensitive Issue (information received too late for Standing Committee consideration)

☐ Urgent Matter (issue arose after this month's Standing Committee Meeting)

☐ Other: Click or tap here to enter text.

Report Approval Details

Document Title:	Strong Mayor Powers Overview.docx
Attachments:	<ul style="list-style-type: none">- Strong Mayor Powers Table and Summary.pdf- Minister's Letter to Heads of Council.pdf- Strong Mayor Authorities Full Research Report_FINAL.pdf
Final Approval Date:	Apr 23, 2025

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Apr 23, 2025 - 9:42 AM