

April 16, 2025

Response to Proposed Amendments to Ontario Regulation 530/22 to Expand Strong Mayor Powers and Duties to Additional Municipalities

General Comments

Thank you for the opportunity to provide feedback on the proposed regulation. However, AMCTO would note that the consultation period for the proposed regulation is extremely short. The majority of the municipalities proposed to be added to O. Reg. 530/22 are small municipalities with municipal staff who fulfill multiple functions, meaning that it is unlikely municipalities have dedicated government relations support to respond to the consultation. It is not reasonable to expect municipalities to provide comment with such a short timeframe, particularly as municipal staff are also expected to prepare for a proposed effective date of the regulation of May 1, 2025, in addition to their numerous other statutory and assigned duties. The short timeframe also means that many municipal councils do not have time to consider a motion to respond to the consultation. There is likely nuanced input from smaller, rural and northern communities that would have been valuable to the Ministry had there been a more appropriate consultation period.

AMCTO continues to be opposed to strong mayor powers as they relate to matters that are within the realm of municipal administration and operation, including matters of employment including the hiring and termination of municipal staff including the Chief Administrative Officer all of which are having negative impacts on work place culture. Whether in a small or large community, where the council is already inappropriately involved in administrative matters, introducing heads of council who may lack the knowledge of the hundreds of legislative and regulatory requirements placed on municipalities and statutory officers could create chaos and disruption in these communities which runs contrary to the stated intent of the Province.

AMCTO conducted a [research scan](#) of municipalities with strong mayor authorities in 2024. This research has helped inform our recommendations contained in this submission. We found that mayors' retention, use and implementation of powers can and have changed the dynamic between staff and decision-making, and that overall the legislation has had negative impacts to municipal staff and the disruption of municipal timelines, policies and procedures by:

- Creating operational and administrative burdens when it comes to supporting the interpretation and implementation of the legislation;
- Blurring the lines of political and administrative authority, particularly between the mayor and chief administrative officer (CAO);
- Creating inconsistencies and a lack of accountability and transparency in decision making; and
- Leaving staff employment, well-being and effectiveness at the discretion of the mayor.

It is with these findings in mind that we strongly recommend that the Province implement the following recommendations:

Recommendation 1: Delay the expansion of O. Reg. 530/22 until the legislative authority for heads of council to directly hire or dismiss any municipal staff is removed

Since the introduction of Bill 3, *Stronger Mayors, Building Homes Act* AMCTO has called for the removal of the authority of heads of council to hire or terminate any municipal staff including the CAO.

Our research has found that strong mayor powers blur political-administrative authority, particularly between the mayor and CAO, threatening the neutrality of public service and politicizing local government leadership.

When mayors retain powers over staff, this negatively impacts municipal leadership causing disruption of municipal timelines, procedures and resources. The expansion of municipalities listed under O. Reg. 530/22 should be delayed until the ministry ensures that it promotes the protection of municipal staff including CAOs amongst all strong mayor municipalities.

Recommendation 2: Delay the expansion of O. Reg. 530/22 until the legislation is updated to bring clarity in implementation

Our research indicated that lack of clarity in legislation has led to inconsistent implementation and undue administrative burdens on staff. For this reason, we continue to seek clarity from the Province on several aspects of the legislation.

In September 2023, AMCTO wrote to the Province to seek guidance on several aspects of the legislation. While we are grateful that Ministry staff [responded to the letter](#), there remains a need for the legislation to be updated to provide this clarity.

For example, ambiguity remains regarding the application of restricted acts to strong mayors. We understand that these are meant to apply; however, following a careful review, the legislation does not appear to explicitly cover strong mayors. Similarly, we understand from the Province's response that the calculation of members of council as 2/3 or 1/3 should be based on the total number of members of council, not the number of members present in the meeting as has traditionally been used; however, this is not clearly stated in legislation which has raised questions amongst local decision makers.

Furthermore, many questions remain regarding the budget process including with respect to the head of council and council's roles regarding in-year budget approvals, multi-year budgets, the budgets of local boards, and capital budgeting.

Additionally, while the ministry continues to state that the expansion of strong mayor powers is to help promote provincial priorities, including to support housing and housing-related infrastructure, we note that this recent announcement did not include a request to commit to a housing pledge, nor did it provide municipalities with a housing target. It is unclear what checks and balances are in place from the ministry to ensure that the powers are being used in accordance with O. Reg. 580/22: Provincial Priorities.

We also note that many of the municipalities proposed to be added to the legislation are small, rural, and/or Northern. We hope that the Province has considered circumstances that may arise from their addition to the regulation, that may not have arisen with prior expansions. For example, many municipalities identified in the regulatory proposal employ staff who fulfill multiple roles (e.g. Town Administrator/Deputy Clerk, CAO/Treasurer, CAO/Clerk/Treasurer) including positions limited from hiring/dismissal by the head of council under s. 284.6(3). Clarity is needed regarding the head of council's powers with respect to these municipal staff. Otherwise this could lead to highly problematic situations where head of council attempts to dismiss a senior public servant from just half of their role.

Furthermore, many municipalities in the North have planning services provided by planning boards established under Section 9 of the *Planning Act*. Consideration must be given to the interplay between planning boards and the powers granted to the head of council through S. 284.11.1 to propose by-laws.

The examples contained in this recommendation are not an exhaustive list of all existing ambiguities in the legislation and potential implementation issues. Given the extremely short consultation period, it was challenging to list all areas where further legislative clarity is needed, nor identify all potential new areas where issues may arise given the nature of the municipalities included in this expansion. We will be following up with the Ministry in the coming months to continue to seek this much needed clarity.

The expansion of municipalities listed under O. Reg. 530/22 should be delayed until the ministry undertakes a careful review of their legislation to ensure that it is suitable to meet its intended purposes, and is free from ambiguity which could lead to inconsistent application throughout Ontario.

Recommendation 3: Provide a reasonable timeline for municipal administrators to implement these changes

AMCTO has long-advised the Province that without reasonable timelines to implement Provincially-mandated changes to structures, governance or other matters, the Province continues to place undue administrative and operational burden on municipal staff who must implement these initiatives. These then become matters that require additional time and resources to support which results in additional operational costs, which ultimately the municipality must bear.

Most of the municipalities in the proposed regulation are small, rural communities, many with under 1000 residents and there may be only 1 to 2 individuals who would be tasked with completing all of the necessary work to prepare for this expansion. Municipal administrative staff in these communities fulfill multiple functions, have responsibilities in over 75 pieces of legislation and regulations as clerks alone and need time to adequately prepare for implementation. A three-week timeline to prepare for these changes does not promote good governance as it does not provide municipal staff time to adequately update processes, policies, and procedures to reflect these changes while still managing council meetings, and providing front-line services to members of their communities.

Furthermore, it does not allow for municipal staff to properly support their head of council for this additional responsibility. In the absence of education, training or support provided to heads of council from the Province, the training of heads of council falls too on municipal staff.

For this reason we recommend that the Province delay the effective date of this regulatory change for 120 days and propose an effective date of September 1, 2025.