

The Corporation of the Township of South Frontenac

Strong Mayor Powers Reference Guide



**SOUTH
FRONTENAC**

Municipal Act References

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.

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,

1. (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
2. (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.

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.

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)

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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)

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.

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.

Ontario Regulation 530/22

Part VI.1 of The Act

Designated municipalities

1. The municipalities set out in Schedule 1 are designated for the purposes of section 284.2 of the Act. O. Reg. 41/25, s. 1.

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.

(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.
- (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.

Ontario Regulation 580/22

Provincial Priorities

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).