

L-19-24

To: Mayor Meed Ward and Members of Council

**cc: Tim Commisso, City Manager
Samantha Yew, Acting City Clerk**

From: Blake Hurley, Executive Director of Legal Services and Corporation Counsel

Date: March 26, 2024

Re: Memo to Council regarding ‘Strong Mayor’ Powers and Duties That May Be Delegated Pursuant to the *Municipal Act, 2001*

Council considered motion memorandum ADM-05-24 regarding a request for delegation of ‘Strong Mayor’ powers and duties assigned to the Mayor pursuant to the *Municipal Act, 2001* at the March 19, 2024 meeting of Council. Motion memorandum ADM-05-24 was deferred to a special meeting of Council on March 26, 2024. Several questions regarding the delegation of ‘Strong Mayor’ powers and duties were raised by members of Council during consideration of ADM-05-24. The purpose of legal memorandum L-19-24 is to provide Council with a summary of the relevant statutory provisions in order to aid in Council’s consideration of motion memorandum ADM-05-24.

Subsection 284.13(1) of the *Municipal Act, 2001* provides that a Mayor with ‘Strong Mayor’ powers and duties may delegate those powers and duties that were granted with respect to four specific sections of the *Act*. No other ‘Strong Mayor’ powers and duties may be delegated. Those sections are:

Section	Power and Duties	May be Delegated Pursuant to O.Reg 530/22
284.5	Power to appoint a City Manager responsible for exercising general control and management of the municipality.	Only to Council
284.6	Power to determine organizational structure, including the power to hire or dismiss the head of any division or the head of any other part of the organizational structure (save and except the hiring or dismissal of certain positions set out in subparagraph 284.6(3))	To a City Manager or Council
284.7	Power to appoint chairs and vice chairs for any local board prescribed by Regulations	No restriction on delegation identified in O.Reg 530/22
284.8	Power to establish or dissolve committees, to appoint chairs and vice-chairs of committees, and to assign functions to committees, as prescribed by Regulations	Only to Council

Subsection 284.13(2) of the *Municipal Act, 2001* provides that the *Act's* delegation rules in subsection 23.1(2) of the *Act*, and set out below, apply, with necessary modifications, to a delegation of powers and duties under subsection 284.13(1), and as described above:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

Blake Hurley
Executive Director of Legal Services and Corporation Counsel