

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
71 ELIZABETH II, 2022

Bill 3

An Act to amend various statutes with respect to special powers and duties of heads of council

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading August 10, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 CITY OF TORONTO ACT, 2006

The Schedule amends the *City of Toronto Act, 2006* by adding a new Part V1.1 which sets out the special powers and duties of the head of council. The following powers and duties are assigned to the head of council under this Part:

1. Powers respecting the chief administrative officer, as described in section 226.3.
2. Powers respecting the organizational structure of the City and employment matters, as described in section 226.4.
3. Powers respecting local boards, as described in section 226.5.
4. Powers respecting committees, as described in section 226.6.
5. Powers respecting meetings, as described in section 226.8.
6. Veto powers, as described in section 226.9.
7. Duties and powers respecting budgets, as described in section 226.14.

The new Part contains various other related provisions, including rules respecting delegation, immunity and transition. Authority is provided to the Lieutenant Governor in Council to prescribe provincial priorities and to the Minister to make other regulations.

SCHEDULE 2 MUNICIPAL ACT, 2001

The Schedule amends the *Municipal Act, 2001* by adding a new Part V1.1 which sets out the special powers and duties of the head of council in designated municipalities. In those designated municipalities, the following powers and duties are assigned to the head of council:

1. Powers respecting the chief administrative officer, as described in section 284.5.
2. Powers respecting the organizational structure of the municipality and employment matters, as described in section 284.6.
3. Powers respecting local boards, as described in section 284.7.
4. Powers respecting committees, as described in section 284.8.
5. Powers respecting meetings, as described in section 284.10.
6. Veto powers, as described in section 284.11.
7. Duties and powers respecting budgets, as described in section 284.16.

The new Part contains various other related provisions, including rules respecting delegation, immunity and transition. Authority is provided to the Lieutenant Governor in Council to prescribe provincial priorities and to the Minister to make other regulations.

SCHEDULE 3 MUNICIPAL CONFLICT OF INTEREST ACT

The Schedule amends the *Municipal Conflict of Interest Act*. New section 5.3 sets out the duties of the head of council when they have a pecuniary interest in a matter and a power or duty under Part VI.1 of the *City of Toronto Act, 2006* or Part VI.1 of the *Municipal Act, 2001* respecting that matter. Various other consequential amendments are made.

**An Act to amend various statutes with respect to
special powers and duties of heads of council**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	City of Toronto Act, 2006
Schedule 2	Municipal Act, 2001
Schedule 3	Municipal Conflict of Interest Act

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Strong Mayors, Building Homes Act, 2022*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 Section 140 of the *City of Toronto Act, 2006* is repealed.

2 The Act is amended by adding the following Part:

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

Directions to city employees

226.1 For the purposes of exercising powers or performing duties under this Part, the head of council may, in writing, exercise the powers of the City to direct city employees to,

- (a) undertake research and provide advice to the head of council and city council on policies and programs of the City 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.

In writing

226.2 (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.

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.

Powers re chief administrative officer

226.3 The head of council may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the City for the purpose of ensuring the efficient and effective operation of the City; and
- (b) performing such other duties as are assigned by the head of council.

Powers re organizational structure

226.4 (1) Subject to subsection (3), the powers of the City with respect to determining the organizational structure of the City are assigned to the head of council.

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.

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 168.
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.

Transition

(4) Any organizational structure in place in the City immediately before the day section 2 of Schedule 1 to the *Strong Mayors, Building Homes Act, 2022* came into force shall continue unless the organizational structure is changed by the head of council under subsection (1) of this section.

Same

(5) The head of any division or of any other part of the organizational structure who held that position immediately before the day section 2 of Schedule 1 to the *Strong Mayors, Building Homes Act, 2022* came into force shall continue in that position unless they are dismissed by the head of council under subsection (2) of this section.

Same

(6) The head of council may exercise a power under subsection (2) with respect to a person regardless of when that person started their employment.

Powers re local boards

226.5 The power of the City to appoint the 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.

Powers re committees

226.6 Subject to the regulations, if any, the following powers of the City 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 the chairs and vice-chairs of committees.
3. The power to assign functions to committees.

Provincial priorities

226.7 (1) The Lieutenant Governor in Council may, by regulation, prescribe provincial priorities for the purposes of sections 226.8 and 226.9.

Same

(2) For greater certainty, sections 226.8 and 226.9 only apply if the Lieutenant Governor in Council prescribes provincial priorities.

Powers re meetings

226.8 (1) Despite any procedure by-law passed by the City under subsection 189 (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 city council to consider the matter at a meeting.

Interpretation

(2) In this section,

“meeting” has the same meaning as in subsection 189 (1).

Veto powers**Application**

226.9 (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.

By-law for consideration

(2) Despite any procedure by-law passed by the City under subsection 189 (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 city council of the intent to consider vetoing the by-law.

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 city council voted in favour of the by-law or the prescribed deadline, if any.

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 city 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 City, and
 - (ii) two days after the day city 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 City, and
 - (ii) 14 days, or such other prescribed time period, after the day city council voted in favour of the by-law.

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.

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.

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 city 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.

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 city council.

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 city council under clause (7) (a), city council may override the head of council's veto if two-thirds of the members of council vote to override the veto.

Head of council may vote

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

Effect of override

(11) If city council overrides the veto, subsection (8) does not apply and the by law shall be deemed to have passed on the day city council votes to override the veto.

No notice

(12) The head of council shall not give notice under subsection (3) after giving approval under subclause (4) (a) (i).

Vacancy, head of council

226.10 (1) Despite section 208, if a vacancy occurs in the office of head of council, the City 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.

Rules applying to filling vacancies

- (2) Subject to subsection (3) and the regulations, if any, the following rules apply to filling vacancies in the office of head of council:
1. Within 60 days after the day a declaration of vacancy is made under section 207 with respect to the vacancy, the City shall pass a by-law requiring a by-election to be held to fill the vacancy.
 2. Despite paragraph 1, if a court declares the office of head of council to be vacant, the City shall act under subsection (1) within 60 days after the court makes its declaration.
 3. Despite subsection (1), if a vacancy occurs within 90 days before voting day of a regular election, the City is not required to fill the vacancy.

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 207 with respect to the vacancy, the City shall fill the vacancy by appointing a person who has consented to accept the office if appointed; and
- (b) for the remainder of the term of the head of council appointed under clause (a),
 - (i) the head of council appointed under clause (a) shall not exercise the powers or perform the duties in this Part, and
 - (ii) the prescribed powers and duties of the head of council in this Part are assigned to the City.

Delegation

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

1. Section 226.3 (chief administrative officer).
2. Section 226.4 (organizational structure).
3. Section 226.5 (local boards).
4. Section 226.6 (committees).

Same

(2) The rules in subsection 20 (2) apply with necessary modifications to a delegation under subsection (1).

Immunity

226.12 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.

Transition

226.13 (1) A person who held one of the following positions immediately before the day section 2 of Schedule 1 to the *Strong Mayors, Building Homes Act, 2022* came into force shall continue in that position unless they are dismissed or their appointment is revoked, as the case may be, by the head of council:

1. Chief administrative officer.
2. Chair or vice-chair of a local board.
3. Chair or vice-chair of a committee.

Same

(2) The 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.

Powers and duties re budget

226.14 (1) In accordance with this section and subject to the regulations, the powers and duties of the City with respect to proposing and adopting a budget are assigned to the head of council.

Proposed budget

(2) The head of council shall, in accordance with the regulations, prepare a proposed budget for the City and provide the proposed budget to city council for city council's consideration.

City council may adopt or amend budget

(3) After receiving the proposed budget, city council may, in accordance with the regulations, pass a resolution making an amendment to the proposed budget.

Veto power

(4) The head of council may, in accordance with the regulations, veto a resolution passed under subsection (3).

Override of veto

(5) City council may, in accordance with the regulations, override the head of council's veto under subsection (4) if two-thirds of the members of city council vote to override the veto.

Adoption of budget

(6) The budget for the City shall be adopted in accordance with the regulations.

Same

(7) For greater certainty, the regulations may provide for the circumstances in which the budget is deemed to be adopted.

Regulations

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

- (a) requiring the head of council to make information and documents available to city council, the public and other persons or classes of persons and prescribing the information and documents to be made available;
- (b) respecting the form, manner and timing in which information and documents are to be made available to city council, the public or other persons or classes of persons;
- (c) respecting procedures and rules the head of council is required to follow in exercising a power or performing a duty under this Part;
- (d) respecting the powers assigned to the head of council in connection with committees, for the purposes of section 226.6;
- (e) governing by-elections with respect to the office of head of council for the purposes of section 226.10;
- (f) respecting procedures, rules and other matters in connection with filling a vacancy in the office of the head of council;
- (g) providing for such transitional matters as the Minister considers necessary or advisable in connection with the implementation of this Part;
- (h) defining, for the purposes of this Part and any regulations under this Part, any word or expression not defined in section 3 of this Act, and in so doing may define a word or expression differently for different provisions;
- (i) respecting the use of powers and performance of duties under this Part, including respecting conditions and limits with respect to their use or performance;
- (j) providing that the head of council cannot use a power or perform a duty, assigning those powers and duties to city council and prescribing procedures, rules and other matters in connection with such circumstances;
- (k) 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;
- (l) prescribing deadlines, dates and time periods for the purposes of this Part.

Same

(2) Subject to subsection 226.7 (1), the Minister may make regulations prescribing anything that, under this Part, may or must be prescribed.

Regulations, budget

(3) The Minister may, for the purposes of section 226.14, make regulations,

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

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.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 2
MUNICIPAL ACT, 2001**

1 The *Municipal Act, 2001* is amended by adding the following Part:

**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.

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.

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.

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.

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.

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.

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.

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.

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).

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).

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.

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.

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.

Provincial priorities

284.9 (1) The Lieutenant Governor in Council may, by regulation, prescribe provincial priorities for the purposes of sections 284.10 and 284.11.

Same

(2) For greater certainty, sections 284.10 and 284.11 only apply if the Lieutenant Governor in Council prescribes provincial priorities.

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.

Interpretation

(2) In this section,

“meeting” has the same meaning as in subsection 238 (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.

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.

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.

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.

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.

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.

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.

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 .

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.

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.

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.

No notice

(12) The head of council shall not give notice under subsection (3) after giving approval under subclause (4) (a) (i).

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.

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.

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).

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.

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).

Same

(2) The rules in subsection 23.1 (2) apply with necessary modifications to a delegation under subsection (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.

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.

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.

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.

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.

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.

Veto power

(4) The head of council may, in accordance with the regulations, veto a resolution passed under subsection (3).

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.

Adoption of budget

(6) The budget for the municipality shall be adopted in accordance with the regulations.

Same

(7) For greater certainty, the regulations may provide for the circumstances in which the budget is deemed to be adopted.

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 is required to follow in exercising a power or performing a duty under 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.

Same

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

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.

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.

Commencement

2 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 3
MUNICIPAL CONFLICT OF INTEREST ACT**

1 Section 4 of the *Municipal Conflict of Interest Act* is amended by striking out “Sections 5 and 5.2” at the beginning of the portion before clause (a) and substituting “Sections 5, 5.2 and 5.3”.

2 The Act is amended by adding the following section immediately before the heading “Record of Disclosure”:

Head of council

5.3 (1) Where a head of council of a municipality either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter of the municipality and has a power or duty listed in subsection (2) with respect to the matter, the head of council,

- (a) shall, upon becoming aware of the interest in the matter, disclose the interest by filing a written statement of the interest and its general nature with the clerk of the municipality;
- (b) shall not use the power or exercise the duty with respect to the matter; and
- (c) shall not use their office in any way to attempt to influence any decision or recommendation of the municipality that results from consideration of the matter.

Same

(2) For the purposes of subsection (1), the powers and duties are the powers and duties of a head of council in Part VI.1 of the *Municipal Act, 2001* and Part VI.1 of the *City of Toronto Act, 2006* but do not include the power to delegate in section 284.13 of the *Municipal Act, 2001* and section 226.11 of the *City of Toronto Act, 2006*.

3 Clause 6.1 (1) (a) is amended by striking out “section 5.1” and substituting “section 5.1 or 5.3”.

4 Subsections 8 (1) and (7), 9 (1), 12 (1), (2) and (3) and 14 (1) of the Act are amended by striking out “section 5, 5.1 or 5.2” wherever it appears and substituting in each case “section 5, 5.1, 5.2 or 5.3”.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.