



MAYORAL DIRECTION PROTOCOL

Protocol Title: Responsible Use of Powers Regarding Mayor-Proposed By-laws

Effective Date: 2025-09-18

Revised Date:

1.0 PURPOSE AND SCOPE

To promote transparency, accountability, and good governance in the use of the Head of Council's authority under Section 284.11.1 of the *Municipal Act, 2001*. This protocol supports a clear, principled approach when proposing by-laws that aim to advance provincial priorities such as housing, infrastructure, and transit.

This protocol applies to all instances where the Head of Council invokes Section 284.11.1 to introduce a by-law for Council's consideration, notwithstanding the municipality's existing procedure by-law or the general voting rules under Section 245.

2.0 ROLES AND RESPONSIBILITIES

- a) Head of Council: Initiates proposed by-laws under Section 284.11.1 and provides rationale.
- b) Chief Administrative Officer (CAO): Reviews proposed by-laws for implementation feasibility and prepares post-decision reports where applicable.
- c) Clerk: Manages agenda placement, ensures public communication, and maintains all associated records.

3.0 GUIDING PRINCIPLES

The exercise of Section 284.11.1 powers will be guided by the following:

3.1 Advance Notice and Consultation

The Mayor will, where practicable:

- a) Provide advance notice to the CAO and Council of the intention to introduce a by-law under Section 284.11.1;
- b) Allow sufficient time for staff review and internal consultation to ensure the by-law is ready for deliberation.

3.2 Clear Rationale

Each proposed by-law brought forward under this authority will be accompanied by a written rationale from the Mayor:

- a) Identifying the specific prescribed provincial priority being advanced (e.g., housing, transit, infrastructure);
- b) Explaining how the proposed by-law aligns with the municipality's goals or strategic plan.

3.3 Transparency to the Public

The Clerk will:

- a) Clearly indicate on the Council agenda that the proposed by-law has been introduced under Section 284.11.1;
- b) Publish the by-law and accompanying documentation in accordance with the notice provisions of the procedure by-law.

3.4 Recordkeeping and Accessibility

The Clerk will maintain a public record of all by-laws proposed under Section 284.11.1, including:

- a) Council voting results;
- b) Associated correspondence
- c) Public access to this information via the municipal website.

3.5 Post-Decision Review

Where a by-law is passed with support from more than one-third but less than a majority of Council:

- a) Council may request that the CAO provide a follow-up report on the implications of the by-law, including any operational, financial or legal risks.

4.0 IMPLEMENTATION AND REVIEW

- a) The protocol will be reviewed following each municipal election or upon the request of Council.

Appendix A: Council Approved Resolution -June 5, 2025

WHEREAS Section 284.11.1 of the Municipal Act, 2001, as amended, permits the Head of Council to propose a by-law and require that Council consider and vote on the by-law if, in the opinion of the Head of Council, it could potentially advance a prescribed provincial priority;

AND WHEREAS such a by-law may be passed with support from more than one-third of Council, notwithstanding the municipality's procedure by-law and the standard majority voting requirement in Section 245;

AND WHEREAS Council including the Head of Council recognizes the legitimate intent of this provision to advance provincial priorities such as housing, infrastructure, and transit, but also recognizes the importance of maintaining public trust, accountability, and the deliberative function of Council;

NOW THEREFORE BE IT RESOLVED THAT Council encourages the Head of Council to adopt a written governance protocol to guide the responsible use of Section 284.11.1 powers, including the following elements:

- Advance Notice and Consultation – The Mayor will, where practicable, provide advance notice to the CAO and Council of any intention to introduce a by-law under Section 284.11.1, including time for internal consultation and staff review;
- Clear Rationale – The Mayor will provide a written rationale to accompany any proposed by-law, identifying the specific provincial priority they seek to advance and how it aligns with the municipality's strategic goals;
- Transparency to the Public – The Clerk will ensure that any proposed by-law introduced under Section 284.11.1 is clearly identified as such on the Council agenda and published with supporting documentation in advance of the meeting;
- Recordkeeping and Accessibility – A public record will be maintained of all by-laws proposed under Section 284.11.1, including voting outcomes and related correspondence, and made available through the municipal website;
- Post-Decision Review – Where a by-law is passed with support from more than one-third but less than a majority of Council, Council may request a subsequent report from the CAO evaluating the implementation implications of the by-law, including any operational, financial, or legal risks.

AND THAT Council direct the CAO and Clerk to assist the Mayor in preparing a formal draft of this protocol, for presentation to Council and incorporation into the municipality's governance framework.