

Memorandum

Meeting: Council Meeting

Date: October 22, 2024

To: Members of Council

From: Kevin Klingenberg, Municipal Clerk, Corporate Services

Subject: Mayor's Assigned Budget Duties under the Municipal Act

Background

The purpose of this memo is to provide an outline of the Mayor's assigned duties under [Municipal Act section 284.16](#), its associated [Ontario Regulation 530/22 section 7](#), and subsequent procedural impacts to the 2025 Budget.

Mayoral decision [2024-12](#) was issued on October 17, 2024 to direct the Commissioner of Finance & Chief Financial Officer to prepare a staff proposed 2025 budget according to Council approved meeting schedules and time frames. As outlined in the whereas clauses the following assigned duties of the Mayor which cannot be delegated back to Council:

- To prepare a proposed budget for the municipality and provide the proposed budget to the council for the council's consideration,
- On or before February 1 of each year,
 - prepare a proposed budget for the municipality that includes the estimates of sums required under subsection 289 (1) or 290 (1) of the Municipal Act, as the case may be;
 - provide the proposed budget to each member of council and to the clerk,
 - make the proposed budget available to the public.

The 2024 budget occurred after February 1, 2024 and Council prepared and adopted the budget for the Town of Caledon in accordance with *Ontario Regulation 530.22 section 7(2)*. Council further decided in November 2023 to schedule Committee meetings associated with the 2025 Town Budget on November 5, 2024 and December 10, 2024. Procedure By-law subsection 5.3.4 provides that Committee meetings concerning the Town Budget are set annually and will commence as set out in the annual schedule. To follow both the *Municipal Act*, Council's November 2023 decision, and the Procedure By-law requires the Mayor to fulfil her assigned prescribed legislative duties. There are also significant financial stewardship implications for completing the budget prior to the start of the next fiscal year.

Procedural Impacts to 2025 Budget

Mayoral direction [2024-12](#) directs staff to prepare a proposed budget which generally conforms to the budget process during this term of council. This general conformity includes the proposed budget presentation at the first November 2024 General Committee-Budget meeting. The Mayor may then use the staff prepared budget as the budget she proposes for adoption by the Town of Caledon or amend as she desires before providing to Council in her prescribed *Ontario Regulation 530/22 section 7* duties.

Council will have thirty (30) days to amend the proposed budget provided by the Mayor. Council may also pass a resolution to shorten the thirty (30) days to amend the proposed budget. The scheduled date for amending the proposed budget as set out in the annual schedule is at the December 10, 2024 General Committee meeting, with the approval of the recommendations occurring at the December 17, 2024 Council meeting.

This proposed budget will need to be provided by the Mayor no earlier than Monday November 18, 2024, and no later than Tuesday December 3, 2024 to adhere to the Council scheduled dates and Procedure By-law agenda deadline requirements. The December 10, 2024 General Committee-Budget meeting will generally conform with previous year's budget process; however, some meeting procedures will be impacted.

The primary difference from previous years will be that there is no vote to approve the proposed budget. Votes to amend the Mayor's prepared budget remain within Council's legislated decision-making jurisdiction. Council may bring forward proposed amendments to the budget reflecting prior practices in the general conformity of Town Budget meetings held during this term of Council. The budget will also be presented in the form of a memo rather than a staff report since there is no Council decision required to be made on the proposed budget.

Possibility of Mayor Veto and Council Overriding a Mayor's Veto

The following is provided for information purposes as to what is possible under the *Municipal Act section 284.16* and *Ontario Regulation 530/22 section 7*, it does not reflect nor indicate any probabilities for it to occur. No prescribed legislated actions related to a Mayor's veto or overriding Mayor's vetoes by Council will be possible until any recommended amendments are approved by Council at their December 17, 2024 Council meeting.

Upon Council passing a resolution to amend the proposed budget presented by the Mayor at its December 17, 2024 meeting, the Mayor may veto the Council decision within ten (10) days after the expiry of the thirty (30) days Council may amend. The Mayor may shorten the ten (10) day period by providing to each member of council and the clerk a written document specifying a shorter period.

If the Mayor vetoes a Council passed amendment to the proposed budget, Council has fifteen (15) days after the expiry of the Mayor's ten (10) day veto period to override the Mayor's veto with the carrying of a two-thirds vote. Council may also pass a resolution to shorten this fifteen (15) day period.

Budget Adoption

As itemized in this memo, there is no 2025 Budget approval by Council. The 2025 Budget for the Town of Caledon is rather deemed to be adopted, in accordance with the *Municipal Act section 284.16(6)*, once all possibilities of Mayor's vetoes and the overriding of them by Council are exhausted.

ATTACHMENTS

None.