

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 25-1808

Being a By-law to govern the selection, appointment and term of the Deputy Mayor for the Municipality of Temagami and to outline their roles and responsibilities.

WHEREAS

1. Under Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the Act), municipalities are granted broad powers to govern their affairs and respond to municipal issues;
2. Under Section 9 of the Act, a municipality has the capacity, rights, powers, and privileges of a natural person for exercising its authority under this or any other Act;
3. Under Section 226 of the Act, a municipality may, with the consent of the head of council, appoint a member of council to act in the place of the head of council on any body, other than on the council of another municipality, of which the head of council is a member by virtue of being head of council;
4. Under Section 242 of the Act, a municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be;
5. The Head of Council of the Municipality of Temagami is the Mayor;
6. The Council of the Corporation of the Municipality of Temagami deems it necessary to adopt a By-law to govern the selection, appointment and term of and the duties and responsibilities of the Deputy Mayor, who is the person appointed to assist the Mayor

in carrying out their duties and responsibilities and to act in the place of the Mayor in their absence;

NOW THEREFORE

The Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. APPOINTMENT OF DEPUTY MAYOR

1.1. Eligibility

1.1.1. All Members of the Municipal Council are eligible to serve as Deputy Mayor.

1.1.2. The Deputy Mayor must be a current Member of the Municipal Council at the time of appointment, and remain a current Member of the Municipal Council throughout their term.

1.2. Selection and Appointment

In order to be appointed as Deputy Mayor, a Member must be recommended by the Mayor, confirmed by a majority vote of the Municipal Council, and appointed by By-law.

1.3. Term of Appointment

The appointment of the Deputy Mayor shall coincide with the term of the Municipal Council, except as outlined in Section 2 of this By-law.

2. CHANGE OR VACANCY

2.1. Change of Deputy Mayor During Council Term

The Mayor may propose a change to the Deputy Mayor during the Council term under the following circumstances:

2.1.1. Resignation of the Member from the office of Deputy Mayor,

2.1.2. The seat of the Member appointed as Deputy Mayor becomes vacant pursuant to section 259 of the Act;

- 2.1.3. Absence of the Deputy Mayor exceeding three (3) months;
- 2.1.4. Unresolvable conflict of interest affecting the Deputy Mayor's ability to perform their duties;
- 2.1.5. Incapacity of the Deputy Mayor to perform their duties;
- 2.1.6. Breach of the Municipality's Code of Conduct by the Deputy Mayor, as determined by the Municipality's Integrity Commissioner;
- 2.1.7. A resolution of the Municipal Council, supported by a two-thirds (2/3) majority vote, requesting a change.
- 2.1.8. Process for Removal:
 - a. For grounds listed in Sections 2.1.3 to 2.1.6, the Mayor shall table a motion for removal at a Council meeting, accompanied by written reasons for the proposed change.
 - b. The Deputy Mayor shall be provided with written notice of the motion and an opportunity to respond at the same Council meeting.
 - c. The removal of the Deputy Mayor shall take effect only if the motion is approved by a two-thirds (2/3) majority vote of Council.

2.2. Vacancy in the Office of Deputy Mayor

- 2.2.1. If the office of Deputy Mayor becomes vacant, the Mayor shall, within thirty (30) days, recommend a replacement from among the Members of the Municipal Council.
- 2.2.2. The recommendation shall require confirmation by a majority vote of the Municipal Council. Should the recommendation not receive the required majority vote, the Mayor may make an alternate recommendation. After the recommendation is confirmed, the Deputy Mayor shall be appointed by By-law.
- 2.2.3. The new Deputy Mayor shall serve for the remainder of the Municipal Council term unless otherwise determined under Section 2.1.

3. ROLES AND RESPONSIBILITIES

3.1. Support and Delegation

The Mayor may delegate leadership or representative tasks to the Deputy Mayor, provided that such delegation complies with all legal and statutory limitations. The Deputy Mayor shall assist the Mayor in carrying out their duties as delegated.

3.2. Acting in Place of the Mayor

3.2.1. If the office of Mayor becomes vacant as defined in Section 259 of the *Municipal Act, 2001*, the Deputy Mayor shall act as Mayor until the vacancy is filled under Section 263 of the *Municipal Act, 2001*.

3.2.2. During emergencies, if the Mayor is absent or unable to perform their duties, the Deputy Mayor shall have the authority to make necessary decisions to protect public safety and maintain municipal operations under the *Emergency Management and Civil Protection Act, R.S.O. 1990*.

3.3. Limitations on Delegation

Delegation of statutory powers or duties shall comply with Section 23.1 of the *Municipal Act, 2001*. For clarity, as per the Act, the Council of the Municipality of Temagami shall not delegate to anyone, including the Mayor or Deputy Mayor, any of the following powers and duties:

3.3.1. Adopting or amending budgets;

3.3.2. Imposing fees or charges;

3.3.3. Adopting or amending an Official Plan, Zoning By-law, or Community Improvement Plan;

3.3.4. Adopting or amending municipal policies that establish criteria for discretionary powers;

3.3.5. Appointing or removing officers requiring Municipal Council approval.

4. PUBLIC NOTIFICATION

The Municipality shall publicly announce the appointment, change, or vacancy of the Deputy Mayor within fourteen (14) days by posting on the Municipality's official website. The notification shall include the name of the Deputy Mayor and the effective date of the appointment or change.

INCONSISTENCY WITH PREVIOUS BY-LAWS

Any By-law or provision of a By-law inconsistent with this By-law is hereby superseded. For clarity, the passing of this By-law shall not revoke the appointment of the currently appointed Deputy Mayor; however, all other provisions of this By-law shall apply to the appointment.

CLERICAL AMENDMENTS

The Clerk of the Municipality of Temagami is authorized to make minor corrections to this By-law after its passage. These corrections are limited to grammatical or typographical errors and must not alter the intent, substance, roles, responsibilities, or procedural requirements outlined in this By-law.

EFFECTIVE DATE

This By-law shall come into force and take effect upon its final passing.

FINAL PASSING

Taken as read a first, second, and third time, and finally passed this 27th day of March, 2025.

Mayor: _____

Clerk: _____