

Memorandum to the Council of Corporation of the Municipality of Temagami

Subject: Legislative Overview of Strong Mayor Powers – Scope, Authority, and Limitations

Memo No: 2025-M-104

Date: May 8, 2025

Attachment: None

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Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-104 as presented.

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1. Executive Summary

As of May 1, 2025, Strong Mayor powers now apply to the Mayor of Temagami (Head of Council) under the Municipal Act, 2001 and supporting regulations. These powers are intended to help municipalities advance prescribed provincial priorities such as housing, transit, and infrastructure. This memo outlines the legislative foundation, permitted powers, legal limitations, and procedural safeguards related to this framework.

2. Legislative Background

Strong Mayor powers were established under Part VI.1 of the Municipal Act, 2001 (sections 284.1 to 284.13), introduced via Bill 3 and Bill 39. Operational rules are set out in Ontario Regulation 580/22 and provincial priorities are defined under Ontario Regulation 530/22. These powers were extended to 170 municipalities, including Temagami, as of May 1, 2025.

3. Authority of a Strong Mayor

Power Area	Description
Appointment Authority	May appoint or dismiss the CAO and certain department/division heads.
Organizational Structure	May reorganize or create divisions and assign duties.
Staff Direction	May issue written directions to municipal staff, including the CAO, provided these are copied to the Clerk and CAO and made publicly available.
Budget Preparation	Must propose the municipal budget by February 1. Council may amend within 30 days. If no budget is passed by March 31, the Mayor's version is adopted.
Veto Power	May veto by-laws if they are deemed to interfere with a provincial priority.
Committee Control	May create committees, assign functions, and appoint Chairs and Vice-Chairs.
Bring Forward Matters	May independently bring items to Council if they could advance a provincial priority.
Propose Priority By-laws	May propose by-laws aligned with provincial priorities, which can pass with only one-third Council support.

4. Roles Subject to Mayoral Direction

Applies to non-statutory division heads. Examples include:

- Director of Public Works
- Planning Manager/Director
- Director of Recreation
- Director of Engineering
- Director of Building Services (excluding the CBO)
- Treasurer (dismissal authority only)

5. Protected Positions – Not Subject to Mayoral Control

These positions cannot be hired, dismissed, or directed by the Mayor:

- Clerk (s. 228, Municipal Act)
- Treasurer (s. 286, Municipal Act)
- Chief Building Official (Building Code Act)
- Fire Chief (in some cases – Fire Protection and Prevention Act)
- Police Chief / Police Services Board (Police Services Act)
- Integrity Commissioner
- Auditor General
- Ombudsman
- Closed Meeting Investigator

6. Legal and Operational Constraints on Strong Mayor Powers

- Cannot override statutory duties (e.g., Planning Act, Building Code Act)
- Cannot pass by-laws alone – Council approval is still required

- Cannot direct protected officers
- Council may only direct staff by by-law
- Mayor's use of powers related to by-laws and budget must align with priorities in *Ontario Regulation 530/22*

7. Modified Municipal Act Sections – Strong Mayor Powers

This table outlines the sections of the Ontario Municipal Act, 2001 that are directly overridden or modified by Strong Mayor legislation, including Bill 3 and Bill 39, with a focus on their governance impact.

Municipal Act Section	Original Function	Strong Mayor Impact
s. 229	Council appoints CAO	Mayor gains full authority to appoint/dismiss CAO
s. 5, 9	Municipal powers exercised by council via bylaw	Mayor may act unilaterally on provincial priorities
s. 23.1–23.5	Council delegates powers to officers/employees	Mayor may assign powers directly, bypassing council
s. 270	Council must adopt governance/hiring policies	Mayor may bypass some policies under strong mayor powers
s. 284	Defines head of council as ceremonial/presiding officer	Redefined to include new executive powers (s. 284.1–284.13)
s. 238	Council procedure bylaw governs meetings	Mayor can override aspects of the procedure bylaw for key decisions

8. Veto Powers – Scope and Process

Under *Ontario Regulation 580/22*, the Head of Council (Mayor) may exercise veto authority in specific circumstances related to prescribed provincial priorities (*per Ontario Regulation 530/22*). The process and safeguards are as follows:

- The Mayor may veto all or part of a by-law passed by Council if, in their opinion, it could interfere with a prescribed provincial priority (e.g., housing, infrastructure, or transit).

- The veto must:
 - Be issued in writing.
 - Be delivered to the municipal Clerk within 10 days after the by-law is passed.
- The Clerk must:
 - Notify all members of Council of the veto.
 - Make the written veto publicly available.
- Council may override the veto:
 - By a two-thirds vote of all members (not just those present at the meeting).
 - Within 15 days of receiving the veto notice.

9. Oversight and Procedural Safeguards

Strong Mayor powers are subject to several built-in accountability measures.

Mechanism	Purpose
Two-Thirds Council Override	Ensures Council can reverse a veto with sufficient consensus.
Clerk's Role	Receives and circulates all written vetoes and directives; ensures public access and record-keeping.
Written Documentation	Mayor must provide all decisions and directions in writing by the next business day.
Public Disclosure	All written actions must be made publicly available by the Clerk.
Legal Limitations	Mayor cannot act outside the authority set out in Part VI.1 of the Municipal Act, 2001 and regulations.
Judicial Oversight	Actions may be subject to legal review if misused or applied beyond statutory limits.

10. Comparison – Regular Mayor vs. Strong Mayor

Area	Regular Mayor	Strong Mayor
CAO Appointment	Council decision	Mayor may appoint/dismiss
Budget Process	Council drafts/approves	Mayor proposes; may veto; Council may override
By-law Veto	Not applicable	Veto power for interference with provincial priorities
Committee Control	Council decides	Mayor creates and appoints Chairs/Vice-Chairs
Staff Direction	Through CAO	Direct to staff (with written copy to Clerk & CAO)
Legislative Focus	Local priorities	Must align with housing, transit, or infrastructure priorities

11. Comparison – Strong Mayor vs. Council Authority

This table summarizes the distribution of governance powers between the Mayor and Council under Ontario's Strong Mayor framework. It outlines authority levels and key limitations.

Governance Function	Mayor Authority	Council Authority	Notes / Limitations
Budget Preparation	Proposes full municipal budget	Cannot initiate	Mayor drafts; council responds
Budget Amendments	Can veto council amendments	May amend; override with 2/3 vote	Override requires 2/3 of all council members
CAO Appointment / Dismissal	Full authority	No role	Unilateral mayoral power
Senior Staff Appointments	May hire/fire for key roles	No authority	Applies to regulated positions tied to priorities
Committees	Can create/dissolve; appoint chairs	Cannot override	Mayor controls structure
Bylaws (Provincial Priorities)	Can pass with 1/3 support	Cannot block if threshold met	Only for provincially aligned bylaws

Governance Function	Mayor Authority	Council Authority	Notes / Limitations
Bylaws (General)	Standard or strong mayor process	Normal majority vote	Non-priority issues follow standard process
Policy Alignment	Must implement priorities	Cannot obstruct	Set by regulation, not local choice
Official Plan / Zoning	May prioritize tied to housing	Standard authority unless overridden	Depends on provincial alignment
Override of Budget Veto	N/A	Override with 2/3 vote	Difficult in smaller councils
No Confidence Motions	Not removable by council	May pass symbolic motions	No legal effect
Special Meetings	Subject to bylaw	May request or call	Depends on local procedure bylaw
Hiring Other Staff	Possible via CAO	No direct authority	Indirect influence only
Court Challenges	Protected if within power	May initiate if overreach occurs	Requires legal grounds
Audits / Integrity Review	Subject to review	May request audits	Oversight on conduct and procedure
Public Advocacy	May use media and public tools	May engage public directly	Political accountability mechanism
Provincial Priorities	Required to align with them	Cannot obstruct	Defined by Cabinet, may expand

12. Provincial Priorities – Definition and Relevance

Under *Ontario* Regulation 530/22, Strong Mayor powers may only be used to advance or protect the following priorities and actions taken outside of these areas are not permitted under the regulatory framework:

- Housing supply and affordability
- Infrastructure to support housing

- Transit-oriented development

These priorities are established by the Executive Council of Ontario (provincial cabinet) through regulation and are applicable to all municipalities designated under the Strong Mayor powers.

The Strong Mayors, *Building Homes Act, 2022* and subsequent regulations, such as *Ontario Regulation 530/22*, outline the scope and application of these powers in relation to the provincial priorities.

12.1. How Are New Provincial Priorities Added?

The legal basis for this authority is established under the Municipal Act, 2001, through Ontario Regulation 580/22 – *Provincial Priorities*. The step-by-step process is as follows:

- Proposal Developed by the Province
 - The Ministry of Municipal Affairs and Housing (or another relevant ministry) drafts a new or revised list of priorities.
 - These may be linked to housing, infrastructure, economic development, health, or other cross-ministry goals.
- Approval by Cabinet
 - The proposed change is submitted to the Executive Council (Cabinet).
 - The Lieutenant Governor in Council (i.e., the Premier and Cabinet) has the power to amend the regulation.
- Regulation Amended
 - The updated regulation is formally filed and posted to the Ontario e-Laws website.
 - No legislation or debate in the Ontario Legislature is required—this is not a bill, but a regulatory change.
- Implementation
 - Once amended, the new priorities are legally binding on strong mayors across all designated municipalities.

- Mayors must exercise their powers in alignment with the newly defined or expanded list of priorities.
- No Municipal Input Required
 - There is no legislated requirement for public consultation or municipal consent.
 - Municipal councils, associations (e.g., AMO), or residents are not guaranteed nor are required to give input in the definition process.

13. Conclusion

The Mayor of Temagami, as Head of Council, now has access to enhanced authorities under the Strong Mayor system. These powers are designed to support specific provincial goals and are subject to significant limitations and procedural controls. Council continues to retain broad authority over local decision-making outside these priorities, and key staff positions remain protected by statute.