

BY-LAW NO. 2010-83

**BY-LAW TO TEMPORARILY DELEGATE CERTAIN AUTHORITY
TO THE CHIEF ADMINISTRATIVE OFFICER**

WHEREAS Section 275(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 places certain restrictions on the powers of municipal councils during the period of a lame duck council following Nomination Day;

AND WHEREAS Section 275(6) of the *Municipal Act, 2001*, S.O. 2001, c.25 does not prevent any person from exercising authority delegated by Council prior to the Lame Duck period;

AND WHEREAS Subsection 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to delegate its powers and authorities under this Act to a person or body;

AND WHEREAS Council deems it expedient to delegate authority to the Town of Amherstburg's Chief Administrative Officer to permit certain actions to be taken if required during a Lame Duck Council period which may exist following Nomination Day 2010 to provide for adequate levels of service and administrative functions;

NOW THEREFORE Council hereby delegates the following authority to the Town of Amherstburg's Chief Administrative Officer, subject to the restrictions provided herein, for the period between Nomination Day and the commencement of the Term of Council;

1. The authority for the appointment or removal from office of any officer of the Municipality;
2. The authority to hire any employee of the Municipality;
3. The Authority to dismiss any employee of the Municipality;
4. The authority to make expenditures not provided for in the 2010 budget and to incur liabilities which exceed \$50,000.

AND FURTHER that the authority granted to the Chief Administrative Officer as outlined above shall be subject to the following restrictions:

5. Dismissal of any employee or removal from office of any employee of the Municipality shall be subject to the process outlined in the personnel policies and include consultation with the Town Solicitor;
6. The authority to dispose any real or personal property of the Municipality which has a value exceeding \$50,000 when it was acquired by the Municipality;
7. The authority to appoint any officer or hire any employee shall only pertain to the employee positions provided for in the approved staff compliment in existence prior to Nomination Day, 2010;
8. The undertaking of making any expenditures or incurring any other liability which exceeds \$50,000.00 shall only take place in situations the Chief Administrative Officer deems to be an emergency, which requires expenditures or incurring the liability to be necessary to enable the Town to provide acceptable levels of service in acceptable timeframes.
9. In exercising this authority, the Chief Administrative Officer shall have regard for the consistent and equitable application of Council policies and guidelines.

10. The Chief Administrative Officer will provide a Report to Council advising of the exercise of the delegated authority.
11. That this By-law is in effect for the 2010 Municipal Election.

This By-Law shall come into force and take effect on August 23, 2010.

Read a first, second and third time and finally passed this 23 day of August, 2010.



WAYNE HURST, MAYOR



BRENDA M. PERCY, CLERK