

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2018-67

A By-law to Authorize Delegated Authority during the "Lame Duck Period" of Council During the 2018 Municipal Election

WHEREAS Section 275 of the *Municipal Act*, 2001, c. 25 as amended, sets out restricted acts after Nomination Day;

WHEREAS under the provisions outlined in section 275 of the *Municipal Act 2001*, as amended, any administration that will "with certainty" not retain 75 percent of its current members in an upcoming election becomes Lame Duck;

AND WHEREAS Council can become Lame Duck during an election year in the following circumstances:

- a) At the close of Nomination Day (July 27, 2018) if 75 percent of the current members of Council are not nominated; and/or
- b) After Election Day (October 22, 2018) if the new Council is not made up of at least 75 percent of the outgoing Council members. (The current Council would sit as Lame Duck through to Inaugural Day).

AND WHEREAS the *Municipal Act*, S.O. 2001 c. 25 Section 23.1 (1) provides that a municipality may delegate its powers and authority to a person or body;

AND WHEREAS the *Municipal Act*, S.O. 2001 c. 25 Section 23.3 (1) provides for restrictions and powers which cannot be delegated;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it desirable to delegate certain authority and powers during the 2018 Municipal Election should Council become Lame Duck;

AND WHEREAS Section 275 (3) of the *Municipal Act*, 2001, c. 25 restricts Council from taking action on the following:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality, which has a value exceeding \$50,000 at the time of disposal; and
- d) Making any expenditures or incurring any other liability which exceeds \$50,000;

AND WHEREAS Section 275 (6) of the *Municipal Act*, 2001, c. 25 states that nothing in this section prevents any person or body exercising authority of a Municipality that is delegated to the person or body prior to nomination day for the election of the new council;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer (CAO), or delegate, to take action, where necessary, on certain acts during the "Lame Duck" period.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. That the Chief Administrative Officer (or delegate), be delegated the authority to:
 - a) Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000.00;

- b) Dispose of any real or personal property of the Municipality which has a value exceeding \$50,000.00 when it was acquired by the Municipality.
2. That the CAO (or delegate) will report to Council on any actions taken under the restrictions listed in Section 275 (3) of the *Municipal Act*, 2001 between Nomination Day and the commencement of the new Council term.
3. This By-law will only take effect and be limited to the "Lame Duck Period" of Council and shall expire on Monday, December 3, 2018.

Read a first, second and third time and finally passed this 11th day of June, 2018.



MAYOR – Aldo DiCarlo



CLERK – Paula Parker