



## **REPORT ADM-2014-019**

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TO: Mayor and Members of Council

FROM: Karen Landry, CAO/Clerk

DATE: August 25, 2014

SUBJECT: Restricted Acts after Nomination Day (Lame Duck Council)

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### **RECOMMENDATIONS**

That Report ADM-2014-019 regarding Restricted Acts after Nomination Day be received; and

That Council enact a By-law to delegate authority to the CAO/Clerk to undertake such actions as may be required to prevent disruption to ongoing Township operations in accordance with existing policy and practices.

### **DISCUSSION**

#### Purpose

The purpose of Report ADM-2014-019 is to advise Council of the restricted acts after nomination day, when they apply, and to recommend the passing of a By-law to delegate power and authority to the CAO/Clerk to ensure ongoing Township operations specifically related to authorizing expenditures and incurring any other liability that exceeds \$50,000.

#### Background

The Council of a local municipality shall not take any actions as described below if the new council includes less than three-quarters of the members of the outgoing council. It is only when it has become mathematically impossible for three-quarters of the members of the outgoing council to be re-elected will the council be subject to the limitations noted below.

## Lame Duck – Time Periods

The period between the close of nominations, September 12, 2014 and the start of the new term of office, December 1, 2014, is commonly referred to as the “lame duck” period. During this period, the *Municipal Act, 2001*, s. 275 restricts the actions that Council may take.

Council is restricted from taking certain actions during two relevant time periods in an election year:

- The first period is from nomination day (September 12, 2014) to election day (October 27, 2014)
- The second period is from election day (October 27, 2014) to the end of the term (November 30, 2014).

## “Lame Duck” Restricted Acts

In the event that a “lame duck” Council exists during an election, Council shall not take any of the following actions:

- a) 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.

Sections (c) and (d) do not apply if the disposition or liability was approved by Council in the annual budget prior to nomination day.

Despite the constraints imposed on Council if in a lame duck position, it is important to note that:

- Nothing prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day (September 12); and
- Nothing prevents a municipality from taking action in the event of an emergency.

## **Financial Implications**

The financial implications are outlined in the discussion section of this report.

## **Applicable Legislation and Requirements**

*Municipal Act 2001, S.O. 2001, c. 25s. 275*

*Township Purchasing By-law 60/08*