

# Corporation of the County of Grey

## By-Law 5141-22

### A By-law to Authorize the Chief Administrative Officer of the Corporation of the County of Grey to take action, where necessary, on certain acts during the Restricted Acts After Nomination Day “Lame Duck” Period

WHEREAS Section 275 of the *Municipal Act*, 2001, c. 25 as amended, (the “Act”) restricts acts that a Council can take after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022) if the Council is in a “lame duck” position, meaning that it can be ascertained that the new Council will include less than three-quarters of the members of the outgoing Council;

AND WHEREAS Section 275 (3) of the Act restricts Council from taking action on the following when it is in a “lame duck” position:

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

AND WHEREAS Section 275 (6) of the Act 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 Section 23.1 of the Act authorizes a municipality to delegate powers to a person or body, subject to certain restrictions in Sections 23.2 and 23.3;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer of the Corporation to take action, where necessary, on certain acts during the “lame duck” period

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. The Chief Administrative Officer of the Corporation of the County of Grey is delegated the power to take any action listed in Section 275 (3) of the *Municipal Act*, 2001.

2. Notwithstanding the foregoing, this by-law does not delegate any power that cannot be delegated pursuant to Sections 23.2 and 23.3 (1) under the Municipal Act, 2001.
3. It is a condition of the delegation above that the Chief Administrative Officer shall not exercise any authority under it unless the restriction on the authority of Council under section 275(1) of the Municipal Act, 2001 is in effect.
4. It is a condition of the delegation above that the Chief Administrative Officer report to Council on any actions taken under it within the first six months of the 2022 Council term.
5. This By-law shall come into force and effect on August 19, 2022 and shall expire once the first meeting of the 2022 Council (within the meaning of section 230 of the Municipal Act, 2001) is convened.
6. This By-law may be cited as the "Lame Duck Delegation of Powers By-law".

ENACTED AND PASSED this 23<sup>rd</sup> day of June, 2022.

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WARDEN: Selwyn Hicks

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CLERK: Tara Warder