

To:	Warden Milne and Members of Grey County Council
Committee Date:	February 9, 2023
Subject / Report No:	CAOR-CW-02-23
Title:	Restricted Acts (Lame Duck) After Nomination Day - Delegation of Authority Follow-up Report
Prepared by:	Kim Wingrove, CAO
Reviewed by:	
Lower Tier(s) Affected:	
Status:	Recommendation adopted by Committee as presented per Resolution CW29-23; Endorsed by County Council February 23, 2023, per Resolution CC19-23.

Recommendation

1. That report CAOR-CW-02-23, regarding the authority delegated to the CAO for restricted acts during the lame duck period of the 2022 election, be received for information.

Executive Summary

On June 9, 2022, the Council of the County of Grey received report CCR-CW-08-22 regarding the delegation of authority to the CAO to mitigate the operational impacts should Grey County Council enter restricted acts or lame duck position during the 2022 election period. By-law 5141-22, Lame Duck Delegation of Powers By-law was subsequently enacted on June 23, 2022, and came into force on August 19, 2022. While the Council of the County of Grey did enter a lame duck or restricted acts position during the 2022 election, this report has been prepared to confirm that the CAO did not exercise the delegated responsibilities related to restricted acts during this period.

Background and Discussion

Section 275 of the *Municipal Act, 2001*, restricts certain acts or powers of Council after nomination day and following voting day until the new term should the incoming Council include less than three-quarters of the outgoing Council members. It also provides for the delegation of such responsibilities if done before nomination day. During the lame duck period, these restricted acts include:

- 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 (does not apply if this was included in the most recent budget adopted by the council before nomination day); and
- d) making any expenditures or incurring any other liability which exceeds \$50,000 (does not apply if this was included in the most recent budget adopted by the council before nomination day).

Where less than three-quarters of Council members are returning, these restrictions aim to limit politically charged decision-making during the lame duck period surrounding an election. While such restrictions do not apply during a declared emergency, the restricted acts period can span from nomination day (August 19, 2022) to the end of the current term of Council (November 14, 2022), as was the case for Grey County Council during the 2022 election period. To mitigate the operational impacts on the County during this time, the previous Council for the County of Grey found it desirable to temporarily delegate such authority to the CAO in addition to the existing powers delegated to senior County staff through existing delegations, such as the Delegation of Duties By-law 5093-20. As provided for in By-law 5141-22, this report has been prepared within the first six months of the new term of Council to confirm that the CAO did not exercise any delegated authority or responsibilities under By-law 5141-22. The by-law and delegation expired when the first council meeting of the term was convened.

Legal and Legislated Requirements

As noted above.

Financial and Resource Implications

There are no financial implications related to this report.

Relevant Consultation

- Internal
- External

Appendices and Attachments

None.