

The Corporation of the Township of Killaloe, Hagarty and Richards

By-Law Number 15-2018

A By-Law to Designate Authority to the Chief Administrative Officer/Clerk-Treasurer during the Lamé Duck Restrictions of Council Following Nomination Day

WHEREAS Section 275 of the Municipal Act, 2001, c. 25 as amended, restricts the actions described in subsection (3) after the first day during the election period for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council, or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council.

WHEREAS under Section 275 (3) of the Municipal Act, 2001, c.25 the following restrictions will apply to Council of the Corporation of the Township of Killaloe, Hagarty and Richards as of after the first day during the election for a new council on which it can be determined that one of the above noted sections apply, and will remain in effect until the swearing in of the new Council:

- 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 CAO/Clerk-Treasurer to act, where necessary, during the “Lamé Duck” period;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards Hereby Enacts as follows:

THAT Council delegates authority to the CAO/Clerk-Treasurer or designate of the Corporation of the Township of Killaloe, Hagarty and Richards to act, where necessary, on restrictions listed in Section 275(3) of the Municipal Act, 2001 c.25 between Nomination Day and the commencement of the Council Term.

THAT the CAO/Clerk-Treasurer or designate of the Corporation of the Township of Killaloe, Hagarty and Richards will report to Council on any actions taken under the restrictions listed in Section 275(3) of the Municipal Act, 2001 c. 25 between Nomination Day and the commencement of the Council Term;

THAT this By-law shall come into force and effect only in the event that it is determined that "Lame Duck" provisions apply for the 2018 election.

By-Law Read a First and Second time this 6th day of March, 2018.

By-Law Read a Third Time and Passed this 6th day of March, 2018.

Mayor

CAO/Clerk-Treasurer