

**THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS
BYLAW #2018-039**

**BEING A BYLAW 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 Municipality of Hastings Highlands 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) to take action, where necessary, on certain acts during the "*Lame Duck*" period.


NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Hastings Highlands Hereby enacts as follows:

1. That the Chief Administrative Officer be delegated the authority to:
 - (a) approve contracts for projects approved by the Capital Budget and be authorized to sign approved contracts;
 - (b) be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000.00;
 - (c) 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;
 - (d) be the authority to hire or remove any officer from/to employment with the Municipality of Hastings Highlands;
 - (e) be the authority to hire or dismiss any employee of the municipality;
2. THAT the CAO 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 Council Term.
3. This Bylaw will only take effect and be limited to the "*Lame Duck Period*" of Council and shall expire on Monday, December 3, 2018.

ENACTED AND PASSED IN COUNCIL THIS 21st day of March, 2018.



Mayor, Vivian Bloom



(Ms.) Pat Pilgrim, Clerk