

Municipality of Lakeshore

By-law 38-2022

Being a By-law to Delegate Certain Authorities During a Restricted Period During the 2022 Municipal Election

Whereas section 275(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that a council of a local shall not take certain actions after the first day during the election 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.

And whereas section 275(2) of the *Municipal Act, 2001* provides that if a determination under subsection(1) is made:

- a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
- b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation;

And whereas section 275(3) of the *Municipal Act, 2001* provides that the restricted actions referred to in subsection (1) are:

- 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 Council deems it necessary to delegate certain limited authority for the purpose of ensuring the efficient operation of the Municipality in the event that Council is restricted as a result of section 275 of the *Municipal Act, 2001*, as recommended by the Division Leader – Civic Affairs at the April 26, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The delegated authorities identified in sections 4, 5 and 6 shall only come into effect if Council is restricted pursuant to section 275 of the *Municipal Act, 2001*.

Interpretation

2. In this by-law:

“Nomination Day” means the third Friday in August in the year of the election. For the 2022 municipal election, Nomination Day is August 19, 2022 at 2:00 PM.

“Voting Day” means the day on which the final vote is to be taken in an election. For the 2022 municipal election, Voting Day is October 24, 2022.

3. The delegations of authority in sections 4, 5 and 6 operate in addition to any other delegations of authority made by by-law, Council policy, or resolution. No delegation of authority in this by-law shall constrain or limit in any manner whatsoever any delegation of authority existing in any other by-law, Council policy, Council resolution, or otherwise available by law. In the event of inconsistency between this by-law and any other by-law or resolution, the provision that more broadly delegates authority shall prevail.

Delegation of Authority

4. The Chief Administrative Officer is delegated authority to make expenditures or incur liabilities exceeding \$50,000 that were not included in the most recent budget adopted by the Council before Nomination Day. This authority shall include the award of tenders and proposals conducted in accordance with the Municipality’s Purchasing By-law.
5. The Chief Administrative Officer is delegated authority, including authority to execute an agreement of purchase and sale, pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, and that were not included in the most recent budget adopted by the Council before Nomination Day.

6. The Chief Administrative Officer is delegated authority to:
 - (a) appoint or remove from office, any officer of the municipality; and,
 - (b) hire or dismiss any employee of the municipality.
7. The Chief Administrative Officer shall inform Council of the exercise of an authority delegated under this by-law by way of an information report presented at a Regular Meeting of Council as soon as possible following the exercise the delegated authority.
8. This by-law shall come into force upon passage.
9. This by-law shall be referred to as the "Restricted Acts during an Election By-law".

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**