

**Municipality of Lakeshore – Report to Council**  
**Chief Administrative Officer**



**To:** Mayor & Members of Council  
**From:** Truper McBride, Chief Administrative Officer  
**Date:** December 8, 2022  
**Subject:** Use of Delegated Authority During Restricted Period

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**Recommendation**

This report is for information only.

**Background**

Section 275 of the *Municipal Act, 2001* prohibits municipal councils from undertaking certain acts after Nomination Day in a municipal election year and prior to a new Council taking office, subject to specific conditions. This legislative restriction is referred to as “Restricted Acts”, or more commonly referred to as the “lame duck” period.

Lakeshore Council entered a lame duck period after the closing of nominations in August 2022.

This restricted Council from engaging in the following actions:

- 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 had a value exceeding \$50,000 at the time of disposal; and,
- d) making any expenditures or incurring any other liability which exceeds \$50,000.

Accordingly, in April 2022, Council passed the following resolution:

*Direct the Clerk to read By-law 38-2022, Being a By-law to Delegate Authority during a Restricted Council Period, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.*

Carried

The restricted period ended immediately following the inauguration of the 2022 to 2026 term of office.

This report is being provided to Council as information and to report out the use of this delegated authority by the CAO during the restricted period.

### **Comments**

There were three instances when the CAO made use of this delegated authority in order to keep certain of the 2022 Capital Projects in progress. Appendix B (Tender Award – 2022 Sidewalk Lifecycle Replacement Program) and Appendix C (Tender Award - Retro Fit for Touchless Faucet, Request for Services) are provided to Council for information.

In each instance, the delegated authority was used to respond to inflated market pricing that caused the tenders to come in above the approved budget amount.

### **Financial Impacts**

The financial impacts for each of these reports are listed in their respective appendices.

### **Attachments**

Appendix A – RTC Delegation of Authority during a Restricted Period (lame duck)

Appendix B – Tender Award – 2022 Lifecycle Sidewalk Replacement Program

Appendix C – Tender Award – Touchless Fixtures Installation

Appendix D – Tender Award – Tree Planting

**Report Approval Details**

Document Title:	Use of Delegated Authority to CAO During Restricted Period.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A Delegation of Authority during Restricted Period (Lame Duck).pdf</li><li>- Appendix B Tender Award - 2022 Lifecycle Sidewalk Replacement Program.pdf</li><li>- Appendix C Tender Award - Touchless Fixtures Installations 2022.pdf</li><li>- Appendix D Tree Planting 2022 Tender.pdf</li></ul>
Final Approval Date:	Dec 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Truper McBride

Approved by Justin Rousseau and Kristen Newman