



The Corporation of the Town of LaSalle

Date	June 18, 2018	Report No:	CL-14-18
Directed To:	Mayor and Members of Council	Attachments:	Bylaw #8166
Department:	Council Services	Policy References:	
Prepared By:	K. Miller, Chief Administrative Officer		
Subject:	Restricted Acts after Nomination Day - "Lame Duck"		

RECOMMENDATION:

That the report of the Chief Administrative Officer (CL-14-18) regarding the "lame duck" provisions for Council in an election year as contained in the *Municipal Act, 2001* BE RECEIVED.

REPORT:

Section 275 of the *Municipal Act, 2001* deals with the circumstances under which council's ability to act is restricted in an election year. Certain actions of council may be restricted in advance of or following a municipal election. The period in which council may be restricted is often referred to as the "lame duck period" and is determined at two different dates:

Close of nominations on Nomination Day (July 27, 2018 at 2 pm)

This period begins at the close of nominations if it is determined that three-quarters of the current council members cannot possibly be elected to the new council.

After voting day (as soon as results are declared after October 22, 2018)

This period begins after voting day, based on the declaration of the results of the election, including any acclamations. If the new council will include fewer than three quarters of the members of the outgoing council, the restrictions apply to the outgoing council.

If it is determined that the acts of council may be restricted, council cannot take the following actions:

1. the appointment or removal from office of any officer of the municipality (Treasurer and Clerk are the statutory officer positions)
2. *the hiring or dismissal of any employee of the municipality

3. **the disposition of any real or personal property of the municipality that has a value exceeding \$50,000 at the time of disposal
4. **making any expenditures or incurring any other liability that exceeds \$50,000

** Administration has been delegated authority to hire employees in accordance with the Hiring Policy adopted by Bylaw #8166 and to dismiss employees subject to statutory requirements in the Municipal Act, 2001.*

***Clauses 3 and 4 do not apply if the disposition or liability was approved by council in the most recent annual budget*

There are no other restrictions on a Council's ability to make decisions or exercise powers. In addition, the Act was amended in 2006 to provide that there is nothing to prevent a municipality from taking action in the event of an emergency.


Kevin Miller
Chief Administrative Officer

Reviewed by:							
CAO	Finance	Council Services	Public Works	DSI	Culture & Rec	Fire	

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 8166

A BY-LAW TO DELEGATE TO ADMINISTRATION THE
AUTHORITY TO PROCESS, MAKE DECISIONS ON, AND TO
EXECUTE AGREEMENTS FOR CERTAIN MATTERS

WHEREAS Section 23.1 of the *Municipal Act, 2001* permits the delegation of municipal powers and duties to any person or body subject to the restrictions set out in that legislation,

AND WHEREAS Council has previously approved the delegation of certain administrative matters to the Administration of the Town of LaSalle with the passing of By-law 7762 (as amended);

AND WHEREAS it is deemed expedient to further amend By-law 7762 to provide for the delegation of authority to the Chief Administrative Officer to hire and dismiss employees;

NOW THEREFORE the Council of the Corporation of the Town of LaSalle hereby enacts the following:

1. That By-law 7762, as amended, be further amended to add the following delegated authority:

1.20 Hiring and Dismissal of employees – the Chief Administrative Officer has authority to hire employees in accordance with the Hiring Policy adopted by By-law 7887 (as amended) and to dismiss employees subject to statutory requirements in the *Municipal Act, 2001*.
2. That this by-law shall come into force and take effect on the day of the final passing thereof

Read a first and second time, and FINALLY PASSED this 12th day of June, 2018

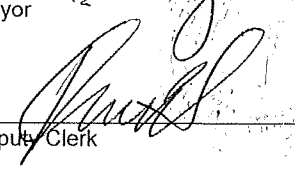
1st Reading – June 12, 2018

2nd Reading – June 12, 2018

3rd Reading – June 12, 2018



Mayor



Deputy Clerk