



The Corporation of the Town of LaSalle

Date	November 6, 2018	Report No:	CL-31-18
Directed To:	Mayor and Members of Council	Attachments:	
Department:	Council Services	Policy References:	
Prepared By:	K. Miller, Acting Clerk		
Subject:	Restricted Acts after Election Day - "Lame Duck"		

RECOMMENDATION:

That the report of the Acting Clerk (CL-31-18) 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.

Based on the results of the election, Council is now deemed to be "lame duck" and subject to the following restrictions:

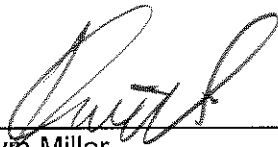
1. the appointment or removal from office of any officer of the municipality (Treasurer and Clerk are the statutory officer positions)
2. *the hiring or dismissal of any employee of the municipality

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
Acting Clerk

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