



TOWN OF MINTO

MEETING DATE: March 1, 2022
REPORT TO: Mayor and Council
SERVICE AREA: Clerks
SUBJECT: Report CL 2022-002 Restricted Acts in a Municipal Election Year and Updates to the Delegation of Authority Bylaw

RECOMMENDATIONS:

THAT Council of the Town of Minto receives report CL 2022-002 as information

AND FURTHER THAT Council considers passing an updated Delegation of Authority Bylaw in Open Council.

BACKGROUND

The *Municipal Act, 2001* establishes the governing authority for municipalities and municipal councils in Ontario. Under section 275 of the *Municipal Act*, a municipal council is prohibited from performing certain actions in a municipal election year where it is determined that there will be a material change in its membership during the next term of office. This is commonly referred to as the 'restricted acts clause' or a 'lame duck' council.

The restricted acts clause may be triggered depending on the outcome of two key dates in an upcoming municipal election: Nomination Day (the final day to submit nominations for office) and Final Voting Day. If it is apparent that the incoming council will be comprised of less than three quarters (75%) of its current membership, the council is required to refrain from certain acts until its next term begins.

The next municipal election in Minto is currently scheduled for Monday October 24, 2022. As such, the Town of Minto Council may be in a restricted acts situation during one of the following time frames in 2022:

1. From Nomination Day through to the end of the current term of Council (August 19, 2022 – November 14, 2022)
2. From Final Voting Day in the 2022 Municipal Election through to the end of the current term of Council (October 24, 2022 – November 14, 2022)

COMMENTS:

The Town of Minto Council is comprised of seven (7) members, and as such the restricted acts clause would apply if fewer than six (6) incumbent members of Council were to return for the 2022-2026 term. There are two (2) scenarios in which Council would be subject to a restricted acts period in respect to the 2022 Municipal Election.

1. If two (2) or more incumbent members of Council decide not to run for re-election (restricted acts period: August 19, 2022 – November 14, 2022); or
2. If fewer than six (6) incumbent members of Council are re-elected (restricted acts period October 24, 2022 – November 14, 2022)

If neither of these situations occur, Council would not be subject to a restricted acts period in 2022. However, if either one occurs, Council would be precluded from making any new decisions on the following matters until the end of the current term (November 14, 2022):

- Appointing or removing any officer of the Municipality;
- Hiring or dismissing any employee of the Municipality;
- Disposing of any real or personal property of the Municipality with a value over \$50,000; and
- Incurring any expenditures or liabilities exceeding \$50,000.

Note: Restrictions do not apply to dispositions or liabilities included in the most recent budget approved by Council before Nomination Day in the 2022 Municipal Election (August 19, 2022)

Next Steps

The Clerk/Returning Officer will advise Council following Nomination Day or Final Voting Day in the 2022 Municipal Election if it is determined that the restricted acts clause of the *Municipal Act* has been engaged.

Delegation of Authority Bylaw Updates

Under By-law 2022-19, Council will delegate the following authority to the municipality's Chief Administrative Officer (CAO) during a restricted acts period in a municipal election year:

- To approve any expenditure or incur any liability over \$50,000; and
- To approve the disposition of any real or personal property with a value of \$50,000 or more at the time it was acquired by the Municipality; and
- To hire and dismiss employees of the municipality.

While updating the Delegation of Authority Bylaw to reflect the above noted changes, it was determined that there were other areas in which said bylaw could be improved, and so the recommendation is to repeal the existing bylaw (2018-70) and replace it with the updated bylaw (2022-19).

Schedules A through G of the proposed updated Delegation of Authority bylaw sets out the specific authorities delegated to the CAO, senior management team and other identified staff with specific legislated authorities including:

- Setting out by task the authorities under the Planning Act and the Building Code Act to members of the Building & Planning Department
- Delegates the task of signing off on payments to the Mayor, Deputy Mayor, Treasurer & Deputy Treasurer
- Approval of certain budgeted payments, write offs or partnerships up to \$5,000.00 and grant funding applications up to \$10,000.00.

- Approval of corporate partnerships over \$5,000.00 up to \$25,000.00 (ie Butter Tarts & Buggies)
- Execution of documents related to the day-to-day operations of the municipality

FINANCIAL CONSIDERATION:

None.

STRATEGIC PLAN

12.7 Demonstrate innovation in all aspects of municipal business acknowledging the importance of training, succession planning, transparency, communication and team-based approaches to municipal operations.

PREPARED BY: Quinn Foerter, Coordinator of Legislative & HR Services

RECOMMENDED BY: Derrick Thomson, Chief Administrative Officer