



TOWN OF MINTO

DATE: April 5, 2014

REPORT TO: Mayor and Council

FROM: Bill White, C.A.O. Clerk

SUBJECT: Municipal Act, Lame Duck Provisions

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.

BACKGROUND

Section 275 of the Municipal Act contains provisions regarding when a Council enters a “lame duck” period. There are two times when this can occur:

1. after nomination day July 27, but before voting day October 22 based on certified nominations and acclamations
2. after voting day October 22 based on the declaration of the results of the vote.

The calculation made on whether Council becomes lame duck is that “the new Council will include less than three quarters of the members of the outgoing Council.” For a Council of seven this means at least 6 members would need to be acclaimed.

If one of seven members of Minto Council chooses not to run then 85.7% of the outgoing Council may be part of the new Council. If two of seven members chose not to run then only 71.4% of the outgoing Council may be included in the new Council. This calculation is first made after nomination day July 27. If six of seven Councillors have their nominations certified, or are acclaimed, then the lame duck provisions do not apply until a second calculation is made election day.

After the election on October 22, if two of seven members of Minto Council are not successful in the election based on the declared results, Council enters the lame duck period on October 22. This will run through until the inaugural Council meeting currently scheduled for December 4, 2018.

During the lame duck period outgoing councils may not undertake the following actions:

- Appoint or remove any officer
- Hire or dismiss an employee
- Dispose of any real or personal property valued at \$50,000 or more when acquired by the Town (unless provided for in the most recent budget adopted by Council)
- Make any expenditures or incur any other liability of \$50,000 or more (unless provided for in the most recent budget adopted by Council).

COMMENTS:

These rules are intended to ensure outgoing members do not make significant personnel or financial decisions for which they will not be held responsible.

Almost all expenditures and land acquisitions are identified in the 2018 budget. Sometimes there is a need for an unanticipated expenditure or property matter during the lame duck period. Also there may be a reason to terminate an officer, hire or dismiss employees during the period. In this case Council can delegate this authority so the Town can act if necessary. Such a delegation is not to be taken lightly or misused and would only be applied in circumstances where there is no other choice available. In 2014 Council delegated certain authority to the C.A.O. Clerk and Treasurer Deputy C.A.O.

FINANCIAL CONSIDERATIONS:

There is no cost for this delegation of authority. Under Section 275(4.1), nothing in the Act prevents expenditures being made in the case of an emergency.

RECOMMENDATION:

That Council of receives the C.A.O. Clerk's report dated April 5, 2018 Municipal Election Act, Lame Duck Provisions and that the following delegations of authority pursuant to the Municipal Act 275(6) be made to apply, if necessary, during the restricted period following nomination day or election day as the case may be:

1. Appoint or remove any officer to the C.A.O. Clerk
2. Hire or dismiss an employee to the C.A.O. Clerk
3. Dispose of any real or personal property valued at \$50,000 or more when acquired by the Town (unless provided for in the most recent budget adopted by Council) to the C.A.O. Clerk, and Treasurer Deputy C.A.O.
4. Make any expenditure or incur any other liability of \$50,000 or more (unless provided for in the most recent budget adopted by Council) to the C.A.O. Clerk and Treasurer Deputy C.A.O.

Bill White, C.A.O. Clerk