

Recommendation:

That the Clerk's Office-2022-12 report, dated June 21, 2022 regarding Council being in a restricted act (lane duck) situation be received for information.

Overview:

Now that Nomination Day, August 19, 2022, has passed staff wanted to provide an information report to Council regarding Section 275 of the Municipal Act which speaks to restricted acts. This Section and the associated acts are colloquially called "Lane Duck". There are two periods where lane duck restrictions may apply. The first is the period from Nomination Day, August 19, 2022 until Election Day, October 24, 2022. The second period is from Election Day, October 24, 2022 until the end of the term of Council, November 14, 2022.

During these two periods lane duck restrictions can occur if:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council. 2001, c. 25, s. 275 (1).

Conclusion:

A review took place following the close of Nomination Day, August 19, 2022, and it was found that 75% of the current council will not be returning and therefore the restricted acts will be imposed in accordance with the Act. There will be no need to review this after Election Day. As we have a 5-person Council, and 75% of 5 is 3.75, as two members will not be returning Council is now lane duck and will remain, regardless of the election results, until the swearing in of the new Council on November 15, 2022.

During the lane duck period the following acts are restricted:

- 1) Appointment and removal from office any officer of the municipality;
- 2) The hiring or dismissal of any employee of the municipality;
- 3) The disposition of any real or personal property exceeding \$50,000 in value at the time of disposal;
- 4) Making any expenditure or incurring a liability exceeding \$50,000

It should be noted that restrictions 3) and 4) do not apply if the disposition of the liability or the purchase was included in the approved budget adopted by Council prior to Nomination Day. As well all of the above noted restrictions do not apply where authority has been delegated to a person or body prior to Nomination Day. As Council has previously approved a new Delegated Authority By-law No. 2022-14, which included delegated authority to the CAO for restrictions 1) and 2), there should be little disruption to municipal services.

Financial Impact:

None as a result of this report.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Report Approval Details

Document Title:	Update on 2022 Municipal Elections Restricted Acts - Lame Duck.docx
Attachments:	- 2022-14 - Delegation of Powers and Duties.pdf
Final Approval Date:	Aug 30, 2022

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

Elana Arthurs