

# THE CORPORATION OF THE COUNTY OF MIDDLESEX

## BY-LAW #7183

A BY-LAW to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a “Lame Duck Period” for the 2022 Municipal Election.

### WHEREAS:

- A. Section 275 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the “Act”), restricts Council from undertaking certain acts after either nomination day, or after Election Day, based on the criteria as set out in Section 275 of the Act;
- B. The period in which the acts of council are restricted (“Lame Duck Period”) ends on the day the Council-elect takes office and is deemed organized in accordance with the Act;
- C. Section 275(6) of the Act provides that nothing in Section 275 prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new council;
- D. Pursuant to Section 23.1 of the Act, a municipality is authorized to delegate its powers and duties under the Act or any other Act to a person or body, subject to the restrictions set out in the Act; and
- E. To ensure the efficient and effective management of The Corporation of the County of Middlesex during a Lame Duck Period, it is prudent that Council delegates certain authority to the Chief Administrative Officer (CAO) for that period of time;

**NOW THEREFORE** the Council of the Corporation of the County of Middlesex hereby enacts as follows:

- 1. The Chief Administrative Officer is hereby delegated Council’s authority, for the period following Nomination Day, or Election Day, for the 2022 election, when it has been determined that a Lame Duck Period is in effect, to approve the following:
  - a. the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal,
  - b. the making of any expenditures or the incurring of any other liability that exceeds \$50,000, except in those cases where the liability was included in the most recent budget adopted by Council before Nomination Day, provided that the appropriate funds are available for the expenditure which shall be determined by the Treasurer and CAO;
- 2. The Chief Administrative Officer shall notify Council in writing, for their information, on an ongoing basis, of any exercise of delegated authority pursuant to this By-law;
- 3. The Chief Administrative Officer shall provide an information report to the new Council, in the first quarter of the year following the election, setting out each use of delegated authority pursuant to this By-law; and

4. The authority delegated pursuant to this By-law shall only be in effect during the Lane Duck Period.

PASSED IN COUNCIL this 19<sup>th</sup> day of July, 2022.

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Alison Warwick, Warden

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Marcia Ivanic, County Clerk