

5(B.1)  
July 25/18

## RESTRICTED ACTS AFTER NOMINATION DAY

### Restricted acts

**275** (1) The council of a local municipality shall not take any action described in subsection (3) after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

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).

### Basis for determination

- (2) If a determination under subsection (1) is made,
  - (a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
  - (b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation. 2001, c. 25, s. 275 (2).

### Restrictions

- (3) The actions referred to in subsection (1) are,
  - (a) the appointment or removal from office of any officer of the municipality;
  - (b) the hiring or dismissal of any employee of the municipality;
  - (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and

(d) making any expenditures or incurring any other liability which exceeds \$50,000. 2001, c. 25, s. 275 (3); 2006, c. 32, Sched. A, s. 114 (1).

### **Exception**

(4) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election. 2001, c. 25, s. 275 (4).

### **Emergencies**

(4.1) Nothing in this section prevents a municipality taking any action in the event of an emergency. 2006, c. 32, Sched. A, s. 114 (2).

### **Upper-tier council**

(5) This section applies with necessary modifications to the council of an upper-tier municipality. 2001, c. 25, s. 275 (5).

### **Delegated authority unaffected**

(6) Nothing in this section 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. 2006, c. 32, Sched. A, s. 114 (3).

### **Section Amendments with date in force (d/m/y)**

**276** REPEALED: 2006, c. 32, Sched. A, s. 115.

### **Section Amendments with date in force (d/m/y)**

**277** REPEALED: 2006, c. 32, Sched. A, s. 115.

### **Section Amendments with date in force (d/m/y)**

**CORPORATION OF THE VILLAGE OF SUNDRIDGE**

**BY-LAW NO. 2018-015**

A By-Law to delegate authority to the Clerk Administrator to carry out certain acts for which Council may be restricted during the 2018 Election (also known as "Lame Duck").

**WHEREAS** Section 275 of the *Municipal Act*, 2001, c. 25 as amended, restricts acts that a Council can take after Nomination Day (July 27, 2018) and after Voting Day (October 22, 2018) if the Council is in a lame duck position; and

**WHEREAS** Section 275 (3) of the *Municipal Act*, 2001, c. 25 identifies those restricted acts of Council as follows:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- Making any expenditure or incurring any other liability which exceeds \$50,000; and

**WHEREAS** Section 275 (6) of the *Municipal Act*, 2001, c. 25 states that "Nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council"; and

**WHEREAS** Council deems it necessary and expedient to delegate authority to the Clerk Administrator to take action, where necessary, on certain acts during the "Lame Duck" period.

**NOW THEREFORE** the Council of the Corporation of the Village of Sundridge hereby enacts as follows:

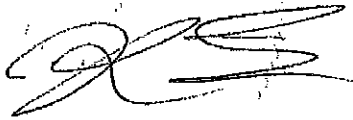
1. That Council delegates authority to the Clerk Administrator of the Corporation of the Village of Sundridge to take action, where necessary and where authorized pursuant to legislative requirement, for those actions for which Council is restricted pursuant to Section 275 (3) of the *Municipal Act*, 2001 between Nomination Day and the commencement of the 2018-2022 Council Term if Council is subject to "Lame Duck".
2. That the Clerk Administrator, or designate, will report to Council on any actions taken under the restrictions listed in Section 275 (3) of the *Municipal Act*, 2001 between Nomination Day and the commencement of the 2018-2022 Council Term.
3. That this By-law shall take effect on the date of its passage.

4. That this By-law shall expire on December 4, 2018, being the first day of business following swearing-in of Council for the 2018-2022 term.

PASSED THIS 25<sup>th</sup> DAY OF APRIL, 2018.



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Lyle Hall, Mayor



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Karen Fraser, Clerk Administrator