

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 95-2021

A By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during the Restricted Period of an Election Year

WHEREAS Section 275 of the *Municipal Act, 2001*, c. 25, as amended (the “Act”) provides that in an election year the acts of Council are restricted when it can be determined with certainty that the new members of council will be comprised of less three quarters of the current members of council, also known as the “Lame Duck” period;

AND WHEREAS the determination of the three-quarter threshold is made after Nomination Day, once nominations are certified, or after Voting Day, once the results are declared;

AND WHEREAS Section 275 (3) of the Act restricts Council from taking certain action on the following:

- 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;

AND WHEREAS Section 275 (6) of the Act 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 section 23.1 of the Act provides that a municipality may delegate its powers and authority;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the restricted period.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** Council delegates authority to the Chief Administrative Officer of the Corporation of the Town of Kingsville to:
 - a) hire or dismiss any employee, except where delegation of authority is not allowed by the Act;
 - b) dispose of any real or personal property of The Corporation of the Town of Kingsville which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget; and
 - c) Make any expenditure or incur any other liability which exceeds \$50,000, unless provided for in the current budget.
2. **THAT** the delegated authority as outlined above shall only take effect and be limited to the restricted period of Council in an election year.

3. **THAT** prior to the exercise of the delegation of authority outlined in Section 1.a), b) and c) above:
 - i) the Chief Administrative Officer will consult with the Director of Financial and IT Services on those matters involving the disposition of property and unbudgeted expenditures, and with the Director of Legal and Clerk Services on employee matters; and
 - ii) the Chief Administrative Officer will advise Council in writing of the exercise of the authority.
4. This By-law shall come into force and effect upon its final passage and is only in effect during the restricted period of Council during each election year.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
22nd DAY OF NOVEMBER, 2021.**

MAYOR, Nelson Santos

CLERK, Paula Parker