

# The Corporation of the Town of Saugeen Shores

## By-law 66 - 2022

Being a By-law to Delegate Authority to the Chief Administrative Officer for Certain Acts during the Restricted Acts Period

**Whereas** Section 23.1 of the *Municipal Act, 2001*, as amended, authorizes Council to delegate its power and duties subject to restrictions set out in the Act; and

**Whereas** Section 275 (1) of the *Municipal Act, 2001*, as amended restricts acts that a Council can take after the first day during the election for a new Council on which it can be determined that where 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;

- (a) based on the nominations made after the close of nominations, or
- (b) based on the results of the election; and

**Whereas** Section 275 (3) of the *Municipal Act, 2001*, as amended, restricts Council from taking the following actions if 275 (1) of the Act applies:

- (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.

**Whereas** the *Municipal Act, 2001*, Section 275 (6), as amended, states that 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; and

**Whereas** it is deemed expedient to delegate certain authorities during the period that Council is restricted in its actions during the Restricted Acts period (formerly known as Lamé Duck).

**Now therefore be it Resolved** that the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

1. That Council delegates authority to the Chief Administrative Officer of the Corporation of the Town of Saugeen Shores under Section 275 (3) of the *Municipal Act, 2001*, during the Restricted Acts period, in the event it is determined that the new Council will include less than three-quarters of the outgoing Council:
  - (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 authority to execute and authorize the agreement of Purchase and Sale, pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal for the acquisition of property, and further that the Chief Administrative Officer and Clerk be authorized to sign any and all documentation required for the transfer of any such property;
  - (d) the approval to make any expenditures or incurring any other liability, outside the current budget adopted by council, which exceeds \$50,000.
2. That the Chief Administrative Officer will report to Council at the next regularly scheduled meeting following the exercise of power, if the delegation of authority is exercised.
3. The delegations in this By-law are subject to any restrictions on such delegation under the *Municipal Act, 2001*, or any other Act.
4. That By law #46-2018 is hereby rescinded.

5. That this By-law shall come into force and effect upon third and final reading thereof.

Read a First and Second time this 25<sup>th</sup> day of July, 2022.

Read a Third Time and Finally Passed and Sealed this 25<sup>th</sup> day of July, 2022.

Original Signed by \_\_\_\_\_  
Luke Charbonneau, Mayor

Original Signed by \_\_\_\_\_  
Debra Roth, Clerk