

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON MARCH 4, 2014
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT:	RESTRICTED ACTS OF COUNCIL AFTER NOMINATION DAY AND VOTING DAY "LAME DUCK" COUNCIL

RECOMMENDATION

That, on the recommendation of the City Clerk, this report BE RECEIVED for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Item #19 – Board of Control – May 12, 2010

BACKGROUND

The purpose of this report is to provide information to members of Municipal Council with respect to the regulations set out in Section 275 of the *Municipal Act, 2001* concerning restricted actions of Municipal Council after Nomination Day and Voting Day, should the Municipal Council be in a "lame duck" position.

A Municipal Council can become "lame duck" between the period from Nomination Day (September 12, 2014) to Voting Day (October 27, 2014); and again between Voting Day (October 27, 2014) and the end of the outgoing Municipal Council Term (November 30, 2014).

Section 275 (1) of the *Municipal Act, 2001* states as follows:

"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."

As Municipal Council is comprised of fifteen (15) members, at least twelve (12) of the candidates nominated on Nomination Day, would need to be members of the outgoing Municipal Council.

At present, we are aware that at least four (4) members of the outgoing council have indicated that they will not be seeking office for the next term of Council. In addition, a current Member of Council is seeking office in a different position than that which they currently hold. As a result, there is the potential that at least five (5) of the positions for the next term of Council will be filled by new members, leaving us in a "lame duck" position after Nomination Day (September 12, 2014) and again after Voting Day (October 27, 2014).

Section 275(3) of the *Municipal Act, 2001* outlines the restrictions that would be in place for a "lame duck" Municipal Council:

- "(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."

