

# THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

## BY-LAW NO. 2018-15

Being a by-law to Delegate Authority to the CAO-Clerk-Treasurer for Certain Acts During a "Lame Duck" Period

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

**AND WHEREAS** Section 275 (3) of the Municipal Act S.O. 2001, c. 25 restricts Council from taking action on the following:

- The appointment or removal from office 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 (3) of the Municipal Act S.O. 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** the Municipal Act, S.O. 2001 c. 25 Section 23.1(1) provides that a municipality may delegate its powers and authority to a person or body;

**AND WHEREAS** the Municipal Act, S.O. 2001 c. 25 Section 23.3(1) provides for restrictions and powers which cannot be delegated

**AND WHEREAS** Council deems it expedient to delegate authority to the CAO-Clerk-Treasurer to action, where necessary, on certain acts during the "Lame Duck" period.

**NOW THEREFORE** the Council of the Corporation of the Township of Matachewan hereby enacts as follows:

1. That the Council of the Corporation of Matchewan hereby delegates authority under Section 275(3) of the Municipal Act S.O. 2001 between Nomination day and commencement of the Council Term as follows:
  - a) The CAO-Clerk-Treasurer be delegated authority as the financial signing authority for expenditures, outside the current budget, exceeding \$50,000;
  - b) That the CAO-Clerk-Treasurer be delegated the authority to execute 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 or for the acquisition of property;
  - c) The CAO-Clerk-Treasurer be delegated the authority to hire or remove any officer from/to employment with the Township of Matachewan;
2. That CAO-Clerk-Treasurer will report to Council on any actions taken under the restrictions listed in Section 275(3) of the Municipal Act S.O. 2001 between Nomination Day and the commencement of the Council Term.
3. That approval to execute agreements be delegated to the CAO-Clerk-Treasurer as necessary.
4. That the Mayor and the CAO-Clerk-Treasurer are hereby authorized and directed to execute this by-law.
5. That all previous by-laws and/or motions, or parts thereof, in conflict with or contrary hereto or inconsistent herewith, be and the same are hereby repealed.
6. That this by-law shall come into force and effect upon final passage in accordance with the provisions in Section 275(3) of the Municipal Act.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS 24<sup>th</sup> DAY OF JULY 2018. SIGNED, SEALED AND NUMBERED 2018-15.

  
Cheryl Drummond  
Mayor

  
Anne Kmyta  
CAO-Clerk-Treasurer