

The Corporation of the Town of Pelham

By-law No. XXXX(2022)

Being a by-law to Delegate Authority to the Chief Administrative Officer for Certain Acts During a “Lame Duck” Period

WHEREAS Section 275 of the *Municipal Act, S.O. 2001, c. 25*, as amended, restricts acts that a Council can take after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022) if the Council is in a lame duck position as defined in Section 275(1) and 275(2);

AND WHEREAS Section 273(3) of the *Municipal Act, S.O. 2001, c. 25* restricts Council from taking action on the following:

- 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 in order to be prepared should Council authority cease (Lame Duck) between Nomination Day (August 19, 2022) and commencement of the Council Term, Pelham Council deems it necessary to enact a Delegation By-law;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer and Officers of the Corporation of the Town of Pelham to take action, where necessary, on certain acts during the “Lame Duck” period;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT where specified joint delegation of authority is to be exercised, in the absence of consensus, the delegation of authority rests with the Chief Administrative Officer (CAO);
2. THAT the CAO be delegated the authority to hire or remove any employee of the municipality with the exception of statutory officers of the municipality;
3. THAT the CAO be delegated the authority to appoint any Acting statutory officer of the municipality in the event of a departure or vacancy of such an officer’s position;
4. THAT the CAO and the Treasurer are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding \$50,000;

- 5. THAT the CAO and Clerk are jointly delegated the authority to execute any 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;
- 6. THAT the CAO and the Clerk are jointly appointed signing authority for all agreements pursuant to Article 5;
- 7. THAT the CAO shall 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;
- 8. THAT this By-law shall take effect only in the event that Council Authority ceases under Section 275 of the Municipal Act, being the Lamé Duck provisions, and shall cease upon the Swearing In of the 2022-2026 Municipal Council for the Town of Pelham.

Read, Enacted, Signed and Sealed this

XXst Day of XXXX, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk