

**Subject:** Lame Duck Accounting

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2022-0270- Clerks Lame Duck Accounting for information.**

**Background:**

On April 19, 2022, Council received a report titled Restricted Acts Provisions of the *Municipal Act, 2001*, Section 275 (Lame Duck) and deferred receiving the report to receive more information.

On May 3, 2022, Council received a memo titled Update Memo – Restricted Acts Provisions of the *Municipal Act, 2001*, Section 275 (Lame Duck) and directed staff to prepare a Lame Duck By-Law.

On May 16, 2022, Council passed By-law No. 4455(2022) being a By-law to delegate authority to the Chief Administrative Officer for certain acts during a "lame duck" period, 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.

On August 22, 2022, Council received a memo titled Council Lamé Duck Status in which the Town Clerk advised she had determined that Council is considered Lamé Duck; as fewer than three-quarters of the members of the present council will return.

On November 7, 2022, Council received a report titled After Election Day – Restricted Acts Provision of the *Municipal Act, 2001* in which the Town Clerk advised she had reviewed and certified the election results and has determined as fewer than three-quarters of the members of the present council will return Council is considered 'lamé duck'.

**Analysis:**

As the new term of Council has commenced with all members having been sworn into office on November 21, 2022, the 2022-2026 Council is no longer deemed 'lamé duck'.

The Town Clerk and Chief Administrative Officer are required to report to Council any spending which occurred by the administration as authorized by By-Law No. 4455(2022). The sole exercise of delegated authority was to authorize the unplanned emergency closure and roadway repair work on Sulphur Springs Drive in the approximate amount of \$82,000. Staff reported the status of the closure and restoration to Council on November 7, 2022 through the attached memo entitled "Sulphur Springs Drive Emergency Closure and Restoration Works".

**Financial Considerations:**

None.

**Alternatives Reviewed:**

None.

**Strategic Plan Relationship: Strong Organization**

Financial transparency is critical in building a strong organization and maintaining public trust.

**Consultation:**

None.

**Other Pertinent Reports/Attachments:**

Sulphur Springs Drive Emergency Closure and Restoration Works – November 7, 2022

**Prepared and Recommended by:**

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Town Clerk

**Prepared and Submitted by:**

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Chief Administrative Officer