



Subject: CAO Use of Delegated Authority During Lame Duck Period

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-255

Meeting Date: December 13, 2022

Recommendation:

That Chief Administrative Officer Report 2022-255 be received for information.

Purpose:

This is an information report that is intended to outline the use of Delegated Authority by the Chief Administrative Officer (CAO) during the lame duck period that followed the October 24, 2022, municipal election.

Background:

During the period prior to and immediately following municipal elections in Ontario, there is a period of time that City Council is restricted by the Municipal Act from taking certain actions that could impact the authority of the newly elected Council to have a chance to participate in the decision making of these actions. This is known as the “lame duck” period and there are two lame duck periods. The first is from nomination Day until election Day (August 19, 2022 to October 24, 2022) and the second is from election day to the start of the new term of Council (October 24, 2022 to November 15, 2022). The lame duck periods only come into effect if less than 75% of the existing Council Members are returning.

Since 75% of existing Council Members were nominated for election, the first lame duck period did not come into effect, however, less than 75% of the existing Council members were re-elected, therefore, Council was in a lame duck position from election day until the start of the new term of Council.

The lame duck provisions of the Municipal Act restrict Council from four specific acts:

- The appointment or removal of any officer of the municipality
- Hiring or dismissing any employee of the municipality
- Disposing of any real or personal property of the municipality with a value greater than \$50,000
- Making any expenditure or incurring any other liability which exceeds \$50,000 and hasn't been provided for in the annual budget.

Provincial legislation also provides City Council the opportunity to delegate their authority to perform these acts to municipal staff in order to continue to advance the business of the corporation. These staff are not impacted by the lame duck restrictions.

In 2022, prior to the start of the lame duck period, City Council delegated the authority to perform these actions to the City's Chief Administrative Officer.

Discussion:

In 2022, City Council delegated the authority to perform restricted acts during the lame duck period to the Chief Administrative Officer. The delegated authority was used on one occasion to advance the business of the corporation – to complete the sale of Chestnut Park to Port Cares as provided in Report 2020-188 and Report 2021-54.

The property transfer was completed on the advice of staff and was the subject of a memo from the Manager of Strategic Initiatives to the Chief Administrative Officer (attached as Appendix A).

Internal Consultations:

Decisions made during the lame duck period were made in consultation with the Senior Management Team, including the City Clerk and the Manager of Strategic Initiatives.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making

Conclusion:

This report details the instances where the Chief Administrative Officer acted on behalf of the City under delegated authority from Council. Delegated authority was used on one occasion to advance City business, and this is outlined in this report.

Appendices:

- a. Memo – Chestnut Park – Property Transfer

Respectfully submitted,

Scott Luey
Chief Administrative Officer
(905) 835-2900 ext. 306
Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.