



TOWN OF  
**HALTON HILLS**  
*Working Together Working for You!*

## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Valerie Petryniak, Town Clerk & Director of Legislative Services

**DATE:** March 25, 2022

**REPORT NO.:** ADMIN-2022-0020

**SUBJECT:** Delegated Authority to the Chief Administrative Officer (CAO) during an Election Year

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### RECOMMENDATION:

THAT Report No. ADMIN-2022-0020 dated March 25, 2022 regarding Delegation of Authority to the Chief Administrative Officer (CAO) during an Election Year be received;

AND FURTHER THAT Council enact a by-law to delegate certain authorities during a “Lame Duck” Council period as defined in this report;

AND FURTHER THAT the CAO be delegated to authorize expenditures and procurement in respect to projects that have been approved by Council in the current budget year.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- Bill 218 “Supporting Ontario’s Recovery and Municipal Elections Act, 2020” has amended the Municipal Elections Act, changing the Nomination Day for Municipal Elections to the third Friday in August
- Council could become “Lame Duck” if three-quarters of the existing council are not returning with certainty, with will restrict certain authorities they have
- To ensure continuity of the Town’s operations, staff are recommending delegating certain authorities to the Chief Administrative Officer

## BACKGROUND AND DISCUSSION:

Recent changes to the *Municipal Elections Act* through Bill 218 (Supporting Ontario's Recovery and Municipal Elections Act) have once again changed the Nomination Period for Candidates in the 2022 Municipal Election. While the beginning of the nomination period begins at the beginning of May, Bill 218 has moved Nomination Day from the fourth Friday in July to the third Friday in August. As a result, the nomination period for the 2022 Municipal Election begins on May 2, 2022 and ends on August 19, 2022. The amendment has reduced the time that Council could be in a *Lame Duck* position compared to the previous election.

Previous amendments to the *Municipal Elections Act* through Bill 68 (Modernizing Ontario's Municipal Legislation Act, 2017) has the new term of Council beginning on November 15<sup>th</sup>, 2022.

Under the provisions outlined in section 275 of the *Municipal Act, 2001*, as amended, any administration that will "with certainty" not retain three quarters (75%) of its current members in an upcoming election becomes *Lame Duck*. Council could potentially become *Lame Duck* during this election year in the following circumstances:

- a) At the close of Nomination Day (Friday August 19, 2022) if three-quarters of the current members of Council are not nominated; and/or
- b) After Election Day (Monday October 24, 2022) if the new Council is not made up of at least three-quarters of the outgoing Council members. The current Council would sit as *Lame Duck* through to Inaugural Day-November 21, 2022.

The Town of Halton Hills' Council is comprised of eleven members of which three-quarters of that is 8.25, rounded to 9. In order not to become a *Lame Duck* Council, nine (9) current members must have the possibility of returning. Should less than nine (9) members return, the following restricted acts apply on one or both of the dates mentioned above:

- a) Appoint or remove from office any officer of the municipality;
- b) Hire or dismiss any employee of the municipality;
- c) Dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- d) Approve any expenditures or incur any other liability which exceeds \$50,000.

Subsection 275 (4) of the *Municipal Act* clarifies that restrictions to the disposition of property or the making of any expenditure do not apply if they were previously approved in the most recent budget adopted by Council before Nomination Day (August 19<sup>th</sup>).

Subsection 275 (6) of the *Municipal Act* also clarifies that although restrictions may apply to Council in a *Lame Duck* period, nothing prevents any person or body exercising any authority of a municipality that is delegated to them prior to nomination day for the election of the new Council. With this provision, staff recommend delegating certain

authorities to the Chief Administrative Officer as specified in the proposed by-law (attached as Appendix A). The delegated authority provisions would assist in mitigating any possible impacts that may arise as a result of a Lamé Duck circumstance.

Additionally, in order to prevent any disruption to ongoing Town operations after Nomination Day, where there are only a minimal number of Council meetings scheduled through to Inaugural Day, staff further recommend that the authority to authorize expenditures and procurement (where already not delegated through Council resolution and/or by-law), in respect to active capital and current projects previously approved through the budget process prior to Nomination Day be delegated to the Chief Administrative Officer. This authority will only be exercised should a matter warrant expedited action.

Should any of the above noted delegated authorities need to be exercised, the sitting Council shall be informed by way of an information report at the next regularly scheduled meeting of Council.

#### **STRATEGIC PLAN ALIGNMENT:**

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

#### **RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

#### **PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

#### **INTERNAL CONSULTATION:**

The Chief Administrative Officer and Senior Management staff were consulted in the preparation of this report.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Chris Mills, Chief Administrative Officer