

ADMINISTRATIVE REPORT

Subject: Lame Duck Council

Date: September 12, 2022

To: Mayor and Council

From: Gabrielle Lecuyer, Municipal Clerk



ISSUE:

Lame Duck Council

ADMINISTRATIVE RECOMMENDATION:

THAT Council receive the report number AR-22-0026 from the Municipal Clerk / Returning Officer advising that the Council of the Town of Fort Frances effective August 19 to November 14 2022 is now deemed Lame Duck as defined in the Municipal Elections Act

STRATEGIC IMPACT:

N/A

OPTIONS & ALTERNATIVES:

N/A

HISTORY:

- Under *Section 275 of the Municipal Act, S.O. 2001, c.25* Council is prohibited from performing certain actions in a municipal election year where it is determined that there will be a material change in its membership during the next term of office, this is referred to as "Lame Duck Council".
- A municipal Council can be in a lame duck situation if it is determined there is the potential that three-quarters (75%) of the existing Council members will not be returning to office.
- A lame duck position occurs twice during the municipal election period:
 - a. Between Nomination Day to the end of the current term (August 19, 2022 – November 14, 2022) - if less than 6 of the 7 (75%) existing members are not running for Council, then Council will be restricted in its actions and be deemed lame duck.
 - b. From Voting Day to the end of the current term (October 24, 2022 to November 14, 2022) – to determine if a lame duck happens after voting day the question will be: will the new Council be composed of 6 of the 7 (75%) of the incumbent (Old) Council and if the answer is "yes" then there is no lame duck. If the answer is "no" then council will be restricted in its actions and be lame duck.

Restrictions (section 275 of the Municipal Act, 2001):

If a Council is in lame duck, the Council shall not take any of the following actions:

- a) The appointment or removal from office of any officer of the municipality;
 - b) The hiring or dismissal of any employee of the municipality;
 - c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
 - d) Making any expenditures or incurring any other liability which exceeds \$50,000.
- Council enacted By-Law 18-22 delegating authority to the Chief Administrative Officer for certain acts during a lame duck period as follows:
 - a. The CAO be delegated authority as the financial signing authority for Expenditures exceeding \$50,000;
 - b. That the CAO be delegated the authority to execute agreements 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 for the acquisition of property;
 - c. The CAO be delegated the authority to hire or dismiss any employee of the municipality of the Town of Fort Frances.

ANALYSIS:

- At the close of Nomination on August 19, 2022 only four (4) Incumbents have filed their nomination papers seeking re-election being less than six (6) of the seven (7) (75%) of the incumbents that are not seeking re-elections
- Council is currently in a lame duck position meaning that By-Law 18-22 is now in force and effect in accordance with the Section 275 (3) of the Municipal Act
- The CAO is required to report to Council at the next Committee of the Whole Meeting or as soon as practicable on any actions taken under the restrictions listed in Section 275 (3) of the Municipal Act S.O. 2001

CONSULTATION:

N/A