

The Corporation of the Town of Essex

By-law Number 2157

Being a By-Law to Temporarily Delegate Certain Authorities during a “Lame Duck” Council Period

Whereas Section 275 of the Municipal Act S.O. 2001, S.O. c.25 as amended, (the “Act”) provides that certain actions of a council become restricted on the first day in an election year in which it can be determined that the new council will have less than three quarters of the members of the outgoing council (“Lame Duck Status”). If so determined then the following authorities of the Council will cease starting on Nomination Day (August 19, 2022) or Election Day (October 24, 2022) and continuing until the end of the current term of Council, also known in this By-law as the “Lame Duck Period: :

- 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;

And Whereas Section 23.1 of the Municipal Act, 2001 states that a Council is authorized to delegate certain powers and duties;

And Whereas Council deems it expedient and necessary to delegate the restricted acts of Council set out in Section 275(3) of the Municipal Act, 2001 during the Lame Duck Period:

And Whereas Section 5 of the Municipal Act, 2001 provides that a municipality’s power shall be exercised by by-law;

Now therefore the Council of the Corporation of the Town of Essex enacts as follows:

1. **That** “jointly delegated authority” means an authority that shall be exercised together by both persons specified. Authority is not granted to one person.
2. **That** upon a determination under Section 275 (2) of the Municipal Act S.O. 2001, S.O. c.25 as amended (the “Act”) the Chief Administrative Office and the Director, Corporate Services/Treasurer are hereby jointly delegated authority as

the financial signing authority for expenditures, outside the current approved budgets, exceeding \$50,000, but not greater than \$150,000.

3. **That** upon a determination under Section 275 (2) of the **Act** the Chief Administrative Officer and the Director, Corporate Services/Treasurer are hereby jointly delegated authority, including authority to execute an 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.
4. **That** upon a determination under Section 275 (2) of the Act the Chief Administrative Officer be delegated authority to:
 - a. Repeal by-laws appointing Officers of the Corporation which have ceased employment, and
 - b. Appoint or remove from office any officer of the municipality, and
 - c. Hire or dismiss any employee of the Corporation if the authority is not otherwise granted to them under the Town's Hiring Policy.
5. **That** the sitting Council shall be informed by way of an information report at the next Regular Meeting of Council or a Special Meeting of Council should a delegated authority under this By-law be exercised.
6. **That** this by-law shall come into force and take effect on the date of the third and final reading thereof and expire on December 6, 2022.

Read a first and a second time and provisionally adopted on May 16, 2022.

Mayor

Clerk

Read a third time and finally passed on June 6, 2022.

Mayor

Clerk