

The Corporation of the City of Kawartha Lakes

By-Law 2022-XXX

A By-law to Delegate Authority for Decisions to the Chief Administrative Officer for Restricted Acts after Nomination Day in the City of Kawartha Lakes

Recitals

1. Section 275 of the Municipal Act, 2001, as amended, limits the authority of a council during an election year should it be determined that the new council will include less than three-quarters of the members of the outgoing council.
2. Section 275(6) of the Municipal Act, 2001, as amended, allows a council to delegate such authority to a person prior to the nomination day for a new council.
3. This by-law addresses that delegated authority.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022-XXX.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Chief Administrative Officer” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Delegated Authority Period” means the period as determined by section 275 (2) of the Municipal Act, 2001:

- (a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
- (b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Delegated Authority

2.01 **Delegation to Chief Administrative Officer:** The following authority, beyond the current delegated authority, is delegated by Council to the Chief Administrative Officer in the event that the municipality finds itself subject to Section 275 of the Municipal Act, 2001, as amended, regarding “Restricted Acts after Nomination Day”:

- a) The appointment or removal from office of any officer of the municipality including an Integrity Commissioner;
- 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 \$50,000.00 at the time of disposal; and
- d) Making any expenditure or incurring any other liability which exceeds \$50,000.00.

Reporting: A report to Council shall be provided identifying all decisions made by the Chief Administrative Officer that were subject to the Delegated Authority period.

2.02 Nothing in this by-law prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day of the election of the new council.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22nd day of February, 2022.

Andy Letham, Mayor

Cathie Ritchie, City Clerk