



**THE CORPORATION OF THE
TOWN OF COBALT**

BY-LAW NO. 2022-14

**Being a by-law to Delegate Authority to the Clerk for certain Acts
during a “Lame Duck” period**

WHEREAS Section 275 of the Municipal Act S.O. 2001, c.25, as amended, restricts acts that a Council can take after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022) if the Council is in a Lame Duck position;

AND WHEREAS Section 275 (3) of the Municipal Act S.O. 2001, c.25 restricts Council from taking action on the following:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- Making any expenditure or incurring any other liability which exceeds \$50,000; unless the matter is included in the 2022 budget.

AND WHEREAS Section 275 (6) of the Municipal Act S.O. 2001 c. 25 states that nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council;

AND WHEREAS Section 23.1 of the Municipal Act, S.O. 2001 c. 25 states that without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part;

AND WHEREAS Section 23.3 of the Municipal Act, S.O. 2001 c. 25 restricts powers that authorize the powers a municipality can delegate;


AND WHEREAS Section 270 of the Municipal Act, S.O. 2001 c. 25 authorizes the adoption and maintenance of policies in respect to various matters;

AND WHEREAS Council deems it expedient to delegate authority to the Clerk or designate to take action, where necessary, on certain acts during the “Lame Duck” period.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Cobalt enacts as follows:

1. That the Council of The Corporation of the Town of Cobalt hereby delegates authority under Section 275 (3) of the Municipal Act S.O. 2001 between Nomination Day and commencement of the Council Terms as follows:
 - a) The Clerk or designate be delegated authority as the financial signing authority for expenditures, outside the current budget, exceeding \$50,000;
 - b) That the Clerk or designate be delegated the authority to execute the 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 for the acquisition of property;
 - c) The Clerk or designate be delegated the authority to hire or remove any officer from/to employment with the Municipality of the Town of Cobalt.
 - d) The Clerk or designate be authorized to apply for funding applications that may become available during the "lame duck period" which have not been included in the current budget.
 - e) That any authority granted under this by-law be consistent with what will be approved in the 2022 Municipal Budget and only includes the hiring of staff positions approved by Council.
2. The Clerk will report to Council on any actions taken under the restrictions listed in Section 275 (3) of the Municipal Act S.O. 2001 between Nomination Day and the commencement of the Council Term.
3. This By-law shall come into force and effect upon final passage in accordance with the provisions in Section 275 (3) of the Municipal Act.
4. This By-law may be cited as the "Lame Duck Delegation of Authority By-law"

Read a first, second and third time and finally passed this 21 day of June, 2022 .



Mayor



Clerk