

City of North Bay Report to Council

Report No: CORP-2021-109

Date: October 1, 2021

Originator: Karen McIsaac, City Clerk

Business Unit:

Department:

Corporate Services

Clerks Department

Subject: Municipal Election 2022 – “Lame Duck Council” Restricted Acts of Council after Nomination Day

Closed Session: yes ☐ no ☒

Recommendation

That Report No. CORP 2021-109 (being a report respecting restrictions on the powers of City Council during the 2022 municipal election period) from Karen McIsaac dated October 1, 2021 be received for information purposes.

Background

Section 275 of the *Municipal Act, 2001* sets out restricted acts after Nomination Day (Friday, August 19, 2022) as follows:

“275.(1) **Restricted acts** – The council of a local municipality shall not take any action described in subsection (3) after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.”

“(2) **Basis for determination** – If a determination under subsection (1) is made,

- (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.”

- (3) **Restrictions** – The actions referred to in subsection (1) are,
- (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 the disposal; and
 - (d) making any expenditures or incurring any other liability which exceeds \$50,000.”
- (4) **Exception** – Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election.
- (4.1) **Emergencies** – Nothing in this section prevents a municipality taking any action in the event of an emergency.

Other Council Acts and Powers?

If the restricted acts provision is triggered, except for the acts noted above, all the usual acts and powers of City Council continue until the new Council takes office.

If the restricted acts provision is **not** triggered, all of the usual acts and powers of City Council continue until the new Council takes office on November 15, 2022.

Financial/Legal Implications

As set out in the Background section above.

Corporate Strategic Plan

- | | |
|---|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

Ensure continuous improvement of governance and administration.

Options Analysis

- Option 1: That Council receive Report to Council 2021-109 for information purposes.
This is the recommended option.
- Option 2: That Council not receive Report to Council 2021-109 for information purposes.

Recommended Option

That Report No. CORP 2021-109 (being a report respecting restrictions on the powers of City Council during the 2022 municipal election period) from Karen McIsaac dated October 1, 2021 be received for information purposes.

Respectfully submitted,

Name: Karen McIsaac, Dipl. M.A.

Title: City Clerk

I concur with this report and recommendation

Name David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Karen McIsaac, Dipl. M.A.

City Clerk