

**THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI**

**BY-LAW No. 18-1409**

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**Being a by-law to delegate authority during a ‘Lame Duck’ period of Council during the  
2018 election.**

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**WHEREAS** Section 275 of the Municipal Act, S.O. 2001, c25 as amended (the Act), sets out restricted acts that could become effective after Nomination Day;

**AND WHEREAS** under the provisions outlined un Section 275 of the Act, Council can become ‘Lame Duck’ if either at the close of the nomination period on Nomination Day, less than 75% of the present Members of Council are not nominated or after Election Day if less than 75% of the present Members of Council are returned to Office;

**AND WHEREAS** Section 275(3) of the Act restricts Council from taking the following actions:

- 1) The appointment or removal from office of any officer of the municipality;
- 2) The hiring or dismissal of any employee of the municipality;
- 3) The unbudgeted disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- 4) Making any unbudgeted expenditures or incurring any other unbudgeted liability which exceeds \$50,000.

**AND WHEREAS** Section 23 of the Act provides that a municipality may delegate certain powers and authority to a person or body;

**AND WHEREAS** the Municipality of Temagami deems it expedient to delegate certain powers and authority should a ‘Lame Duck’ period exist during the 2018 election period;

**NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts that:**

- 1) That the Treasurer/Administrator be delegated the authority to:
  - a) Hire or remove any officer within the Municipality of Temagami;
  - b) Hire or dismiss any employee of the Municipality of Temagami;
  - c) Dispose of any real property where the value exceeds \$50,000 at the time of disposal;  
and
  - d) Make any required expenditures or incur necessary liability greater than \$50,000;
- 2) The authority to act shall only become effective if Council does enter a “Lame Duck” period and expires at the commencement of the next term of Council;

Initials:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

- 3) The Treasurer/Administrator will report to Council regarding any actions taken under this delegation at the first business meeting of the next term of Council;
- 4) If any section or portion of this by-law is found by a Court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Municipality of Temagami that all remaining sections and portions of this by-law continue in force and effect;
- 5) That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law; and
- 6) Any and all former by-laws inconsistent with this By-Law are hereby repealed.

READ a first time this 26<sup>th</sup> day of July, 2018.

READ a second and third time and finally passed this 26<sup>th</sup> day of July, 2018.

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Mayor

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Clerk