



The Corporation of Norfolk County

By-Law 2022-59

Being a By-Law to Authorize the Delegation of Authority for Certain Acts after Nomination for the 2022 Municipal Elections (Lame Duck Council).

WHEREAS the 2022 Municipal Election will be held on Monday October 24, 2022 with Nomination Day being August 19, 2022;

AND WHEREAS Section 275 of the *Municipal Act, 2001* defines restricted acts of Council from the period after Nomination Day and also after Voting Day to the end of the term of Council under certain conditions;

AND WHEREAS Section 275(3) of the *Municipal Act, 2001* restricts the following actions if there is a Lame Duck Council:

- 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 Council deems it expedient to provide delegated authority to the Chief Administrative Officer to permit certain actions to be taken if required during a Lame Duck Council period which may exist following Nomination Day to provide for adequate levels of service and administrative functions;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. DEFINITIONS

In this By-Law:

- i) "County" shall mean The Corporation of Norfolk County.
- ii) "CAO" shall mean the Chief Administrative Officer of Norfolk County.
- iii) "Council" shall mean the Council of Norfolk County
- iv) "Officer" means any Officer of the County appointed by Council pursuant to statutory authority.

2. GENERAL

All authorities and powers delegated in this By-Law may be further designated in writing and are conveyed automatically to those performing the duties of a position in an Acting or interim capacity.

3. CHIEF ADMINISTRATIVE OFFICER

That immediately upon this By-Law coming into effect during the period of a designated “Lame Duck” Council until such time as the 2022-2026 term of Council comes into effect, the Chief Administrative Officer shall have the following authorities delegated by Council:

- a) Financial signing authority for expenditures, including outside the current budget, up to and exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value of up to or exceeding \$50,000 at the time of disposal;
- b) Authority to hire or remove any officer from/to employment with Norfolk County pending that the hiring of staff be restricted to not exceed the overall previously allotted complement of staff positions as per policy (excluding those that are 100% provincially funded);
- c) Authority to award all Request for Tenders and Requests for Proposals with purchase amounts in excess of \$250,000 during the designated Lame Duck period, as outlined in Section 275 of the *Municipal Act, 2001* (as provided under Section 3.1.4 of the County's Purchasing Policy);
- d) Authority to approve budget amendments related to bid awards that exceed the approved budget allocation through cost savings and/or budget deferrals
- e) Authority to issue debenture by providing direction to the Treasurer to issue a Certificate of Treasurer certifying that the issuance of the proposed debt will not exceed the financial obligation limit of the municipality and is aligned with the 2022 approved budget;
- f) Authority to approve Sole Source and Single Source Supply contracts and Unsolicited Proposals.
- g) Authority to bind the Corporation for projects/new funding opportunities with the Provincial and/or Federal government(s) in instance where the contribution of other levels of government totals 66% or greater;
- h) Authority to pre-allocate 2023 funds up to an amount equal to 30% of the total Council approved 2023 Capital budget towards the materials and projects previously scheduled or anticipated in the 2023 Capital Plan.

All use of delegated authorities by the Chief Administrative Officer shall be reported to Council with details relevant to the exercise of the delegated authority by that position under this By-Law.

- i) Authority to provide direction in regard to the conduct of litigation or potential litigation, including, without limiting the foregoing, the settlement of litigation or potential litigation where the settlement is deemed fair and reasonable and in the best interest of the Corporation by the CAO in consultation with the appropriate General Manager and applicable Legal Counsel.
- 4. AND THAT this By-law shall come into force if a Lame Duck Council occurs at any time after August 19, 2022 and remains in effect until the term of office for the newly executed Council commences on or after November 15, 2022.
- 5. AND THAT this by-law shall become void and of no force and/or effect after the inauguration for the 2022 to 2026 Norfolk County Term of Council.
- 6. AND THAT during the first quarter in 2023, the Chief Administrative Officer, or designate, shall report to Council any exercise of this delegated authority.

ENACTED AND PASSED this 21st day of June, 2022.

Mayor

County Clerk