



Restricted Acts of Council (lame duck)

Presentation to Village of Sundridge Council
Wednesday, July 25, 2018
Karen Fraser, Clerk Administrator

When does “Lame Duck” apply?

- 2 times to “test” for Lame Duck
 - At close of nominations on July 27, 2018 at 2:00 p.m.
 - At close of vote on October 22, 2018
- Council may be “Lame Duck” during one or both of those time periods

Section 275 (1) 1. of the Municipal Act

- Council is restricted in action on the first day during the election on which it can be determined that the new council will include **less than three-quarters of the members of the outgoing council**”
- $\frac{3}{4}$ or 75% of 5 Members is 3.75
- 3 is less, 4 is more

What are the restrictions?

Restrictions

- (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.

Exceptions

- (4) 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) Nothing in this section prevents a municipality taking any action in the event of an emergency.

Delegated Authority

- (6) Nothing in this section prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council.

For example, no “Lame Duck”, on Nomination Day if,

- 5 members are running;
- 4 members are running and 1 is not;
- 2 members are acclaimed and 2 or more members are running;

It must be determined **with certainty** that at least 75% will not be returning

For example, “Lame Duck”, on Nomination Day if,

- 4 or more members are not returning;
- The Mayor and 1 member is running for the office of Mayor and 2 members are running for Council ;
- 2 members are retiring and 3 are running in their current office.

It must be determined **with certainty** that at least 75% will not be returning

For example, no “Lame Duck” after Election Day if,

- 4 members are returned but the Mayor has lost to a newcomer;
- At least 4 members are re-elected or acclaimed;
- Mayor lost to a Council member and 3 other members were re-elected in their current office.

When results are known it can be determined **with certainty** whether or not at least 75% will be returning

For example, “Lame Duck” after Election Day if,

- 3 members are elected and 2 are defeated;
- 2 members are acclaimed and 2 of the 3 running for the office of Mayor were defeated;
- 3 members are acclaimed and 2 have retired.

When results are known it can be determined **with certainty** whether or not at least 75% will be returning



Discussion/Questions