



## TOWN OF COLLINGWOOD

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# SPECIAL MEETING OF COUNCIL AGENDA

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**September 7, 2010**

*"Inspire confidence, wonder and a sense of possibility – deliver today's services and realize tomorrow's promise."*

A Special Meeting of Council will be held Tuesday, September 7, 2010 in the Council Chambers, Town Hall, Collingwood commencing at **5:00pm**.

### **ORDER OF BUSINESS**

**1. CALL OF COUNCIL TO ORDER**

**2. ADOPTION OF AGENDA**

- **RECOMMENDING THAT** the content of the Special Council Agenda for September 7, 2010 be adopted as presented.

**3. DECLARATION OF PECUNIARY INTEREST**

**4. STAFF REPORTS**

**C2010-21 Delegated Authority for Restricted Acts After Nomination Day Provisions (p.3)**

**RECOMMENDING THAT** Council hereby delegates authority to the Chief Administrative Officer (CAO) for the 2010 period during which a "lame duck" council is in effect pursuant to Section 275 of the *Municipal Act, 2001*, S.O. 2001, c25 to address matters within the jurisdiction of the municipality, including 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 or purchase of any real or personal property of the municipality; and
- making any expenditures or incurring any other liability deemed necessary for the continuous operation and provision of services to the residents of the municipality, including the executing of documents deemed necessary to ensure residents are well served;

**AND FURTHER THAT** the CAO report to Council on any and all actions undertaken under delegated authorities as outlined in the subject report.

**5. MOTIONS**

- **THAT** this Council proceeds in Camera in order to address a matter pertaining to:
  - ☑ security of the property of the municipality or local board;
  - ☑ a proposed or pending acquisition or disposition of land for municipal or local board purposes; and
  - ☑ litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - ☑ advice that is subject to solicitor client privilege, including communications necessary for that purpose.

**Items for Discussion:**

- a) Raglan Street Servicing
- b) Potential Property Acquisition
- c) Cranberry Mews

- *Follow-up direction from in-camera session, if required.*

**6. CONFIRMATORY BY-LAW**

- **THAT By-law No. 2010-093**, being a by-law to confirm the proceedings of the special meeting of Council held September 7<sup>th</sup>, 2010, be enacted and passed this 7<sup>th</sup> day of September, 2010. (p.7)

**7. ADJOURNMENT**



# STAFF REPORT

<b>REPORT #:</b>	C2010 - 21
<b>DATE:</b>	September 7 <sup>th</sup> , 2010
<b>SUBMITTED TO:</b>	Mayor, Deputy Mayor and Council
<b>SUBMITTED BY:</b>	Sara Almas, Clerk
<b>SUBJECT:</b>	Delegated Authority for Restricted Acts After Nomination Day Provisions

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## 1. RECOMMENDATION:

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**THAT** Council hereby delegates authority to the Chief Administrative Officer (CAO) for the 2010 period during which a “lame duck” council is in effect pursuant to Section 275 of the *Municipal Act, 2001*, S.O. 2001, c25 to address matters within the jurisdiction of the municipality, including 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 or purchase of any real or personal property of the municipality; and
- making any expenditures or incurring any other liability deemed necessary for the continuous operation and provision of services to the residents of the municipality, including the executing of documents deemed necessary to ensure residents are well served;

**AND FURTHER THAT** the CAO report to Council on any and all actions undertaken under delegated authorities as outlined in the subject report.

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## 2. SUMMARY AND BACKGROUND:

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The purpose of this report is to delegate certain powers to the Chief Administrative Officer between September 10<sup>th</sup>, 2010 and the inaugural meeting of Council scheduled for December 6<sup>th</sup>, 2010, if the provisions of the *Restricted Acts After Nomination Day* are in effect.

Council of a municipality is restricted from taking certain actions either after Nomination Day

(September 10, 2010) or after Voting Day (October 25<sup>th</sup>, 2010), when it can be determined that the new Council will include less than three-quarters of the members of the outgoing Council. The restrictions continue until the date the new Council takes office (December 2010). This period of time is referred to as the "lame duck" period.

Based on the uncertified nominations for the 2010 Collingwood Municipal Election, it appears that Council will be in a "lame duck" position after Nomination Day. As such, Council will be restricted from the following actions pursuant to Section 275 (3) of the Municipal Act:

- 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.

The restrictions on the actions identified in section 275(3)(c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by Council before Nomination Day. The Act also provides for a municipality to take any action in the event of an emergency.

Council maintains the authority to delegate these certain powers to a person or body if the delegation was made prior to Nomination Day (September 10).

Delegated authority is typically provided to ensure the efficient management of the municipal corporation and the ability to respond to issues in a timely fashion.

The Chief Administrative Officer shall ensure that all documentation associated with the delegation is reviewed with our municipal solicitors, if required, and that any financial matters are to the satisfaction of the Treasurer. To ensure Council is informed, a memorandum would be submitted by the CAO to Council advising of the exercise of the delegated authority.

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### 3. SUSTAINABILITY CONSIDERATIONS:

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Sustainability Check List:

- 1. Is this item currently identified in the SCP or Strategic Plan?  Yes  No
  - *Maintaining a well run responsive government*
- 2. Does it fulfill the sustainability mission/vision of the Town of Collingwood?  Yes  No
- 3. Is regulatory compliance mandatory?  Yes  No If yes, proceed to #1 next section.
  - *If the certain powers are not delegated, no actions can be undertaken.*

4. Negative impacts on any of the four (4) sustainability pillars (economic, social, environmental, cultural)?

Social  Yes  No Explain:

Cultural  Yes  No Explain:

Environmental  Yes  No Explain:

Economic  Yes  No Explain:

5. Is funding available from external source(s)? Or is funding committed from internal source(s)? *n/a*

6. Does it advance other initiatives?  Yes  No *The Delegation of Authority could assist in advancing our strategic and sustainable initiatives.*

Total Score:

1. Regulatory compliance is mandatory or funding is available (If so, action will automatically receive 6 points): 6

2. Positive impacts on sustainability pillars (up to 4 points): 0

3. Action advances other initiatives (1 point): 1

Action to proceed

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#### 4. DISCUSSION:

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Staff have consulted with member Simcoe County municipalities that have also received this delegation from Council given to the Chief Administrative Officer during the “lame duck” period. Various matters have been analyzed, and this temporary delegation of authority is recommended for the efficient management of the Corporation. Examples of various scenarios that may arise could include:

- Settlements associated with litigation or potential litigation when time is generally limited. As Council’s decision, this authority would be used based on detailed legal consultation.
- Land acquisition or disposition that exceeds \$50,000 if not included in the budget. This may arise based on unbudgeted revenues in the 2010 budget. For example, an offer to purchase all the south servicing properties from one purchaser requiring the transaction to close before the new Council.
- Although staff makes its best efforts to anticipate budget requirements within the 2010 Business Plan, there may be a requirement for Council approval to adjust a

funding source or to provide interim funding for a project where other funding sources are anticipated to become available at a future date. A contract, agreement or budget adjustment would only be undertaken if it was deemed to be in the best interest of the Corporation (as delays would result in significant financial loss to the Corporation) or the contract, agreement or budget adjustment is required to fulfill an existing obligation of the Town.

- An unlikely situation may arise where the hiring or firing of an employee or officer of the Corporation is required to ensure efficient administration of the municipality and minimize any potential liability.

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## **5. EFFECT ON TOWN FINANCES:**

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- The delegation itself has no effect on finances. The financial implications of all transactions undertaken via the delegated authority would be considered by the CAO in consultation with the Treasurer.

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## **6. DISPOSITION:**

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- As noted above, the Chief Administrative Officer shall ensure that all documentation associated with the delegation is reviewed with our municipal solicitors, if required, and that any financial matters are to the satisfaction of the Treasurer. To ensure Council is informed, a memorandum would be submitted by the CAO to Council advising of the exercise of the delegated authority.

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## **7. APPENDICES:**

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### **SIGNATURE**

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**Sara Almas**  
**Clerk, Town of Collingwood**

BY-LAW No. 2010-093  
OF THE  
CORPORATION OF THE TOWN OF COLLINGWOOD



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BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL OF THE  
CORPORATION OF THE TOWN OF COLLINGWOOD

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**WHEREAS** the *Municipal Act 2001*, S.O. 2001, c 25, Section 5(1), provides that the powers of a municipality shall be exercised by its council;

**AND WHEREAS** the *Municipal Act 2001*, S.O. 2001, c 25, Section 5(3), provides a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** it is deemed expedient that the actions of all meetings of Council of The Corporation of the Town of Collingwood be confirmed and adopted by by-law;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:**

1. **THAT** the actions of the Council of The Corporation of the Town of Collingwood in respect of:
  - a) each recommendation in the reports of the Committees;
  - b) each motion, resolution or other action passed, taken or adopted at the meetings listed below are hereby adopted, ratified, and confirmed as if same were expressly included in this by-law, provided that such adoption and confirmation shall not be deemed to included the final passing of a by-law that requires the prior approval of a Minister, a Ministry, to the Ontario Municipal Board or any other governmental body:
    - *Special Council meeting held September 7, 2010*
2. **THAT** the Mayor and the proper officials of The Corporation of the Town of Collingwood are hereby authorized and directed to do all things necessary to give effect to the action of the Council referred to in Section 1.
3. **THAT** the Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Chief Administrative Officer;
  - a) are authorized and directed to execute all documents to the action taken by Council as described in Section 1;
  - b) are authorized and directed to affix the seal of The Corporation of the Town of Collingwood to all such documents referred to in Section 1.
4. **THAT** this by-law shall come into effect upon the passing thereof.

**ENACTED AND PASSED** this 7<sup>th</sup> day of September, 2010.

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MAYOR

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CLERK