

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: June 20, 2023
TO: Committee of the Whole
FROM: Ken T. Kelly, CAO
SUBJECT: Delegated Authority during Summer Break

RECOMMENDATION:

THAT Committee of the Whole recommends that Council amend the Delegated Authority By-law 13-18 to authorize staff to negotiate, award, and execute certain contracts between June 28th, 2023, and August 14th, 2023 to ensure planned work can be initiated in a timely manner.

BACKGROUND:

There are no Committee of the Whole or Council meetings planned between June 28th, 2023 and August 14th, 2023.

We have at least two major projects that will require award of contracts so that the work can take place:

1. Sidewalk tender for 2023 program as per approved Budget, and
2. Managed Services Provider contract for IT Services.

DISCUSSION:

In 2018, Council approved the following changes to the Delegated Authority By-law 13-18 to delegate authority if Council is in a lame duck position.

A.14 The Statutory Officers consisting of the CAO, the Clerk and the Treasurer, acting as a collective, shall have the authority to take action, where necessary, on certain restrictions listed in Section 275 (3) of the Municipal Act, 2001 during a “lame duck” period:

- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
- The hiring or dismissal of any employee of the municipality; and
- Making any expenditure or incurring any other liability which exceeds \$50,000.

*** The CAO may consult with the Municipal Solicitor, where appropriate, prior to exercising that delegated authority; and the CAO on behalf of

the group will advise Council in writing prior to exercising that delegated authority.

Staff are requesting a similar level of authority be granted during the summer recess period in order to allow necessary work to be awarded and initiated prior to the return of Council in August. The proposed amendment would read as follows:

The Statutory Officers consisting of the CAO, the Clerk and the Treasurer, acting as a collective, shall have the authority to take action, where necessary in order to allow necessary work to be awarded and initiated **during summer recess (after the last regular meeting in June and the first regular meeting in August):**

- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
- The hiring or dismissal of any employee of the municipality; and
- Making any expenditure or incurring any other liability which exceeds \$50,000.

*** The CAO may consult with the Municipal Solicitor, where appropriate, prior to exercising that delegated authority; and the CAO on behalf of the group will advise Council in writing prior to exercising that delegated authority.

In the event of a declared emergency, we have provisions within the Emergency Response Plan that will provide the necessary staff authorization to make decisions..

FINANCIAL IMPLICATIONS:

The financial implications associated with this report will be those approved in the budget process.

SUMMARY:

The *Municipal Act, 2001* provides Council with the ability to delegate authority for restricted acts so as to ensure business continuity and effective management of the corporation relating to Section 275 restrictions on lame duck Councils. In 2018, Council approved changes to the Delegated Authority By-law. The additional amendment would only come into effect during the summer recess and would end the day of the first regular meeting in August. In this year, that would mean this provision would be in force from June 28, 2023 until August 14, 2023.

Prepared and Reviewed by:

Ken Kelly, CAO