

Town of Carleton Place 2018 Municipal Election FAQ # 2

Is Council in Lamé Duck yet? And if so, how does Town business carry on? How does this relate to development applications?

Answer – Yes, Council is already in Lamé Duck. Council passed a delegation of authority By-law ([No. 52-2018](#)) to ensure that Town business is not interrupted during this time.

Background:

Section 275 of the Municipal Act, 2001 sets out the restricted acts that a Council shall not take after Nomination Day in a municipal election year if the Council is in a lamé duck position.

The lamé duck periods are determined on two dates: Nomination Day (**July 27**) and Election Day (October 22). If, on either of these dates, it can be determined that the new council will include less than 75 percent of the outgoing council, lamé duck applies and Council is restricted from taking certain actions until the inaugural meeting.

Once it is determined with certainty for either or both timeframes that the Council is lamé duck, then the following restrictions apply:

- (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.

These are the only four (4) restrictions noted in the Act.

Development applications are subject to existing planning policies (Provincial Policy Statement, Development Permit By-law, Official Plan, County Official Plan) and each is evaluated on its own merits as they apply to those policies. Not all development requires infrastructure upgrades and some make use of existing infrastructure.

Please note - Any capital projects that were included in the 2018 budget are not subject to Lamé Duck. However, if there are necessary expenditures which exceed permitted limits, the CAO has delegated authority per By-law 52-2018:to

take any necessary actions subject to seeking Council's input. For example – Charles and Allen Street infrastructure upgrades were anticipated projects which have been included in the 2018 capital budget.

From By-law 52-2018:

The CAO has 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 will consult with the Municipal Solicitor and/or Treasurer, where appropriate, prior to exercising that delegated authority; and the CAO will advise Council in writing prior to exercising that delegated authority.