

NO. 2022 -

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**BEING A BY-LAW TO AUTHORIZE THE DELEGATION OF AUTHORITY TO  
THE CHIEF ADMINISTRATIVE OFFICER FOR THE RESTRICTED ACTS  
PERIOD**

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**WHEREAS** Sections 8 (1) and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the Act) as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 23.1 of the Act authorizes Council to delegate certain powers and duties;

**AND WHEREAS** Section 275 of the Act restricts acts that a Council can take after the first day during the election for a new council on which it can be determined that where the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council;

**AND WHEREAS** Section 275 (6) of the Act states that 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;

**AND WHEREAS** the Council of The Corporation of the Municipality of Kincardine deems it expedient and necessary to delegate certain acts and duties during that period that Council is restricted in its action under Section 275 of the Act;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

1. That if Council is in a restricted position per Section 275 of the Municipal Act, 2001, Council delegates authority to the Chief Administrative Officer of The Corporation of the Municipality of Kincardine to take action, where necessary, on certain restrictions listed in Section 275 (3) of the Municipal Act, 2001, as follows:
  - a) the appointment or removal from office of any officer of the municipality, excluding those officers identified in Section 23.3(1) and the Chief Administrative Officer;
  - b) the disposition of any real or personal property of the municipality, outside the current approved budget, which has a value exceeding \$50,000 at the time of disposal;

- c) making any expenditures or incurring any other liability, outside the current budget which exceeds \$50,000.
- 2. That Council direct the Chief Administrative Officer to report to Council at the next regularly scheduled meeting following the exercise of power, if the delegation of authority is exercised.
- 3. This By-law is in effect for the 2022 Municipal Election.
- 4. This by-law shall come into full force and effect at the time of its passing.
- 5. This By-law may be cited as the “Restricted Acts Delegation of Powers (2022) By-law”.

**READ a FIRST and SECOND TIME** this 20<sup>th</sup> day of June, 2022.

**READ a THIRD TIME and FINALLY PASSED** this this 20<sup>th</sup> day of June, 2022.

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Mayor

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Clerk