

POLITICS AS USUAL: Lame Ducks

By Alison Collins-Mrakas

I had a curious question the other day about the pending municipal election.

The reader asked just what a 'lame duck council' is and why is it such a big deal?

To use the U.S. example, a lame duck administration occurs when there are lawmakers who have not been re-elected yet still sitting in Congress or Senate and capable of making decisions when they no longer have the mandate to do so.

There is no such thing as a 'lame duck' Parliament 'provincial or federal' here in Canada. There is never a time when non-elected or no-longer elected folks can sit in Parliament and make decisions on our behalf. At the federal and provincial level, when a government falls, an election is called, the writ is dropped and the house is dissolved. A few weeks later, when the election is over, the house is recalled and the newly elected or re-elected take their seats in the house and govern anew. Fairly straightforward.

Not so at the municipal level.

For municipal councils, there are two potential periods of lame duck. Between nomination day and election day and between election day and inauguration day. In the first case, according to AMO, if more than 75% of the current members of Council do not seek re-election, then the council is considered lame duck.

If more than 75% of the current members do seek re-election, it is not considered lame duck because they could 'possibly' still get elected. Confused yet?

Just wait. There's more.

Following the election, if at least 75% of the incumbents that sought election are re-elected, then the Council is not lame duck. If, however, less than 75% of the incumbents that sought re-election are not in fact re-elected, then that Council is lame duck.

So, in other words, before, during and for a period after a municipal election, there is the potential to be governed by folks who no longer have the electoral authority to do so.

If the Council is lame duck on September 12 and remains lame duck following the election, then that means the lame duck period will last almost three months! For nearly three months our Town could be run by folks we haven't even elected 'or worse, by folks we've chosen not to re-elect!

I confess that I was a lame duck councillor. In the 2010 election, I did not seek re-election. Neither did Deputy Mayor McRoberts. All other members of Council did seek re-election. Four of the six that sought re-election were not successful. Thus, for the next five weeks following the election, Council had six sitting members who were not re-elected.

Section 275 of the Municipal Act sets out the restrictions on lame duck Councils. They cannot hire or fire officers, cannot dispose of assets of more than \$50,000 and cannot incur liabilities of more than \$50,000.

Regardless, they do still hold the full weight and authority of elected office until the next group is sworn in. Full access to municipal files, resources and staff. One can imagine the shenanigans that can result in that relatively unfettered access.

Clearly, the Act should be amended. You cannot have unelected folks sitting in office for such a lengthy period of time. Either move the election date forward or the inauguration date backward. Eliminate this five week period of legislative no man's land.

Decisions made on our behalf should be made by those we have elected. Not those we haven't. A lame duck council is pointless at best, and a potential threat to effective governance at worst.

Regardless of the restrictions placed on what they can or cannot decide, the mere fact that they can govern at all on our behalf is the problem.

They may have the legal authority to decide on our behalf but they do not have the electoral or, frankly, the moral authority to do so. I think it's time that changed.

Until next week, stay informed, stay involved because this is 'after all' Our Town.