

## Council's authority to be limited during 'lame duck' election period

As the October municipal election fast approaches, local lawmakers will look at how the powers of elected members will be limited during the so-called 'lame duck' Council session.

A bylaw to delegate authority to municipal staff in order to make certain decisions for the Town during the formal campaign period will be considered by Council next Tuesday after early discussions at the Committee level.

Under the Municipal Act, elected officials are prohibited from making decisions in four key areas while in the 'lame duck' period, including hiring and firing of municipal staff, selling or otherwise disposing of municipal assets valued at more than \$50,000, and, in turn, making any spending decisions on behalf of the municipality over and above that same value.

The new bylaw takes into consideration authority given to Heads of Council under Strong Mayor powers, a layer that wasn't part of the discussion during the last municipal election in 2022.

The 'lame duck' provisions kick in on the final day candidates can register to stand for election this year, August 21, 2026 and, following the vote, if fewer than six Council members are re-elected, it will continue until the new term of Council begins on November 15.

The latter situation is likely as Ward 2 Councillor Rachel Gilliland and Ward 3 Councillor Wendy Gaertner are not seeking re-election and two incumbent Council members Mayor Tom Mrakas and Ward 5 Councillor John Gallo are in a three-way race for Mayor.

The restricted acts provision apply to Heads of Council as a result of the assignment of certain powers through the Strong Mayor Powers legislation, said the report before Council at the Committee level. On November 1, 2023, the Town of Aurora was provided Strong Mayor Powers by the Province of Ontario. Through the legislation, one of the restricted acts provided [in the legislation] was assigned to the Head of Council. The Ministry of Municipal Affairs and Housing has confirmed that where powers were assigned to the Heads of Council through the Strong Mayor Powers legislation, the Head of Council is also subject to the restricted acts provisions in relation to those powers.

It is common practice and prudent to prepare for the possibility of the application of the restricted acts provisions by delegating authority to senior staff as applicable. The delegated authority does not need to be exercised unless such an event or need arises.

The bylaw proposes vesting these powers in Doug Nadorozny, Aurora's Chief Administrative Officer, including the power to authorize procurement awards up to \$100,000 and further items already approved in the municipal budget, and entering into and signing any agreements, which the entering into and signing thereof is not yet delegated, that in the opinion of the CAO furthers the interests of the Town.

The CAO and Treasurer, if the bylaw is passed, would also be given the power to increase capital budget authority, and to approve and execute certain 'non-standard' procurement contracts up to \$250,000.

The bylaw will be temporary in nature and would contain a provision that renders the bylaw null and void upon the commencement of the inaugural meeting of the new Council, said staff in the report. Further, the CAO would be required to report to Council in the first quarter of 2027 regarding any exercise of this delegated authority.

Reviewing the bylaw at the Committee level, Council asked for further information on next week's Council agenda, comparing this bylaw to similar legislation approved in previous elections.

Asked to compare what was on the table to the 2022 election, Nadorozny said he couldn't point to any actions taken by his office in

the previous ?lame duck? period.

?In my experience, while the Delegation Bylaw is fairly open for things that could happen ? personally, this would have been my third or fourth election where this bylaw was in place for me as CAO and it is used very reluctantly and only on something that is either an emergency, or it's highly unlikely any Councillor is going to object to the decision being made. It's very in keeping with what you would expect a routine decision that needs to be made, but falls outside the normal limits where we would have to go to Council.?

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