



COUNCIL AGENDA – SPECIAL MEETING

Wednesday, July 25, 2018 at 4:00 p.m.

Sutton Room

55 Zina Street, Orangeville

1. APPROVAL OF THE AGENDA

THAT the Agenda and any Addendum distributed for the July 25, 2018 meeting of Council, be approved.

2. DECLARATION OF INTEREST BY MEMBERS

Members of Council are required to state any pecuniary interest in accordance with the Municipal Conflict of Interest Act.

3. PUBLIC QUESTION PERIOD

4. PRESENTATION AND CONSIDERATIONS OF REPORTS

4.1. Director of Corporate Services/Clerk's Report – Restricted Acts (Lame Duck) Delegation of Authority Provisions

A report from the Director of Corporate Services/Clerk, dated July 25, 2018, to provide Council with information regarding the Restricted Acts provision contained in the Municipal Act 2001, and propose a by-law to provide staff with the ability to proceed with the sale of the scattered social housing units in the event of the Council being restricted in authority pursuant to these provisions.

THAT the report from the Director of Corporate Services/Clerk, Restricted Acts (Lame Duck) Delegation of Authority Provisions, dated July 25, 2018, be received;

AND THAT in accordance with By-law 2007-49 that the County owned semi-detached scattered housing units located in Orangeville be declared surplus;

AND THAT the properties be valuated in accordance with the by-law;

AND THAT the Clerk give notice to the public in accordance with the notice provisions;

AND THAT the Chief Administrative Officer be delegated authority to negotiate and approve the sale of the properties and approve the necessary expenditures related to the sale of the properties;

AND THAT the Warden and Clerk be authorized to execute any necessary legal documents to complete the sale.

5. **CONFIRMATORY BY-LAW**

2018-37 A by-law to confirm the proceedings of the Council of the Corporation of the County of Dufferin at its meeting held on July 25, 2018.

THAT by-law 2018-37 be read a first, second and third time and enacted.

6. **ADJOURNMENT**

THAT the meeting adjourn.



REPORT TO COUNCIL

To: Warden Mills and Members of Council

From: Pam Hillock, Director of Corporate Services/Clerk

Meeting Date: July 25, 2018

Subject: **Restricted Acts (Lame Duck) Delegation of Authority Provisions**

In Support of Strategic Plan Priorities and Objectives:

Economic Vitality: 1.4 Increase affordable housing availability

Good Governance: 3.2 Increase transparency

Purpose

To provide Council with information regarding the Restricted Acts provision contained in the Municipal Act 2001, and propose a by-law to provide staff with the ability to proceed with the sale of the scattered social housing units in the event of the Council being restricted in authority pursuant to these provisions.

Background & Discussion

Section 275 of the Municipal Act 2001 prohibits Municipal Councils from undertaking certain acts after Nomination day in a municipal election year and prior to a new Council taking office under specific conditions. This legislative restriction is referred to as “Restricted Acts” or more commonly as the “lame duck” provision. Certain actions of a council become restricted on the first day that it can be determined that the new council will have less than three quarters of the members of the outgoing council.

This can be determined at two different dates:

- 1. Close of nominations (July 27, 2018 at 2:00 p.m.)**
This period begins at the close of nominations if it is determined that three quarters of the current council members cannot possibly be elected to the new council.
- 2. After voting day (as soon as the results are declared after October 22, 2018)**
This period begins after voting day, based on the declaration of the results of the election (including any acclamations). If the new council will include fewer than three quarters of the members of the outgoing council, then the restrictions will apply to the outgoing council.

If it has been determined that the acts of council may be restricted, the council cannot take the following actions:

1. Officers – Appoint or Remove

The appointment or removal from office of any officer of the municipality

2. Employees – Hiring or Dismissal

The hiring or dismissal of any employee of the municipality

3. Disposal of Real Property

The disposal of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal

4. Expenditures Exceeding \$50,000

Making any expenditures or incurring any other liability which exceeds \$50,000

It should be noted that items 3 and 4 do not apply if the disposition or liability was included in the most recent budget and adopted by Council before nomination day in the year of the election (July 27, 2018).

Council approved the Social Housing Regeneration Plan at the September 8, 2016 meeting, which included the selling of the eight scattered social housing units and using the sale proceeds to offset the cost of the new townhomes on Lawrence Avenue in Orangeville. While council has given its approval, staff are requesting Council give authority to staff to proceed with the process of the sale in accordance with the Disposal of County Property Through Sale Policy #2-6-10 during the lame duck period. The Chief Administrative Officer will undertake to report to Council at its first meeting held on December 13, 2018 regarding any exercise of this delegated authority.

Financial, Staffing, Legal, or IT Considerations

The purpose of providing staff delegated the authority to proceed with the sale of the scattered social housing units is to ensure that the transactions can be finalized as soon as possible. Delaying the sale of the 8 units would result in additional costs (hydro, heat, insurance, taxes) to carry the properties into the new year. These costs have not been budgeted for. In addition, the funds from the sale of the properties are part of a financing plan that includes a combination of other government subsidies, borrowing and a county contribution. The borrowing amount will be directly impacted by the funds from the sale. The units are expected to bring in a total combined revenue of upwards of \$2.6 million.

Strategic Direction and County of Dufferin Principles

It adheres to the County of Dufferin Principles:

1. We Manage Change - by meeting regulatory requirements to allow for the continuance of business during the restricted acts provision
2. We Deliver Quality Service – by consistently delivering cost-effective services that reflect the needs of the community
3. We Communicate – by engaging in regular, accurate and clearly articulated conversations in a multitude of ways
4. We Make Good Decisions – by fostering a collaborative environment to contribute to informed and thoughtful decisions that are reflective of the community needs.

Recommendation

THAT the report from the Director of Corporate Services/Clerk, Restricted Acts (Lame Duck) Delegation of Authority Provisions, dated July 25, 2018, be received;

AND THAT in accordance with By-law 2007-49 that the County owned semi-detached scattered housing units located in Orangeville be declared surplus;

AND THAT the properties be valued in accordance with the by-law;

AND THAT the Clerk give notice to the public in accordance with the notice provisions;

AND THAT the Chief Administrative Officer be delegated authority to negotiate and approve the sale of the properties and approve the necessary expenditures related to the sale of the properties;

AND THAT the Warden and Clerk be authorized to execute any necessary legal documents to complete the sale.

Respectfully Submitted By:

Pam Hillock,
Director of Corporate Services/Clerk

Prepared by Michelle Dunne, Deputy Clerk

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2018-37

A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AT ITS MEETING HELD ON JULY 25, 2018.

WHEREAS Section 5 (1) of the *Municipal Act, 2001*, as amended, provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 5 (3) of the *Municipal Act, 2001*, as amended, provides that municipal powers shall be exercised by by-law;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN ENACTS AS FOLLOWS:

1. All actions of the Council of the Corporation of the County of Dufferin at its meetings held on July 25, 2018 in respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if each report, motion, resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Warden of the Council and the proper officers of the Corporation of the County of Dufferin are hereby authorized and directed to do all things necessary to give effect to the said action, to obtain approvals where required and except where otherwise provided, to execute all documents necessary in that behalf.

READ a first, second and third time and finally passed this 25th day of July, 2018.

Paul Mills, Warden



Michelle Dunne, Deputy Clerk