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## **2022 Meeting Schedules and Restricted Acts in a Municipal Election Year Staff Report to Council**

Report Number: 2021-56

Department(s): Legislative Services

Author(s): Jaclyn Grossi, Legislative Coordinator

Meeting Date: August 23, 2021

### **Recommendations**

1. That the report entitled 2022 Meeting Schedules and Restricted Acts in a Municipal Election Year dated August 23, 2021 be received; and,
2. That the 2022 Committee of the Whole and Council Meeting Schedule (**Attachment A**) be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council's approval of the 2022 Committee of the Whole and Council meetings schedule, and advise how staff schedule Advisory Board and Committee meetings for the fourth quarter of a Municipal election year. Furthermore, this report will outline the restricted acts after Nomination Day in a Municipal election year as provided by Section 275 of the Municipal Act, 2001.

### **Background**

Each year, Council approves a draft schedule of meetings for the upcoming year. There may be occasions when additional special meetings are required, and these meetings will be called on an as needed basis. The Procedure By-law also provides that special meetings may be called by the Mayor or upon receipt of a petition signed by a majority of the Members of Council.

The Council approved [Committee Administration Policy](#), states “during a Municipal election year, meetings shall be cancelled where possible in the last quarter.” This section was specifically introduced in 2015 to assist the Legislative Services Department with managing the limited resources assigned to the administration and execution of the election, and supporting the Town of Newmarket’s Boards, Committees and Taskforces.

Additionally, [Section 275](#) of the Municipal Act, 2001 sets out the two dates for which lame duck provisions may be invoked, being August 19, 2022 (Nomination Day) and October 24, 2022 (Voting Day). If, on either of these dates, it can be determined with certainty that the new Council will include fewer than 75% of the outgoing Council Members (for Newmarket Council, 75% is 7 Members of Council) the restriction period will begin. This restriction period is commonly referred to as the lame duck period.

## Discussion

### Council is required to adopt a 2022 Meeting Schedule

**Attachment 1** outlines the draft meeting schedule for 2022. Variations of the regular schedule include:

- In February, there is a two week gap to accommodate the office closure on Monday, February 21, 2022 for Family Day;
- A Council meeting is scheduled for Tuesday, April 19, 2022 to accommodate the office closure on Monday, April 18, 2022 for Easter Monday;
- In May, there is a two week gap to accommodate the office closure on Monday, May 23, 2022 for Victoria Day;
- A Council meeting has been scheduled for Monday, November 7, 2022 for the recognition of Council members from the 2018-2022 term;
- The regular Committee of Whole/Council cycle will end in September with Voting Day scheduled for Monday, October 24, 2022; and,
- The Inaugural Council Meeting will be held on Tuesday, November 15, 2022.
- Monday, November 21, 2022 and Monday, November 28, 2022 have been reserved for Council Orientation sessions.

### Meeting times should remain the same in 2022 to reduce public confusion

Since June 2020, Committee of the Whole and Council meetings have been held at 1:00 PM, Statutory Public Planning meetings have been included as the first item on Council meeting agendas, and Site Plan Review Committee meetings have been held at 9:30 AM on the same day as Council meetings (when required).

Staff recommends that the meeting times remain unchanged for Committee of the Whole, Council and Site Plan Review Committee, and that Statutory Public Planning meetings continue to be included as the first item on Council agendas in 2022. These meeting times have allowed staff to ensure that meeting agendas are balanced and that public participation is encouraged. The feedback provided by deputants, external

presenters, staff and Members of Council regarding 1:00 PM meeting start time approach since June 2020 has been very positive and well received.

Legislative Services Staff will continue to consult with the Strategic Leadership and Operational Leadership Teams to determine whether a meeting should begin earlier than 1:00 PM to accommodate a significant number of agenda items for consideration. Any deviations from the regular start time will be communicated to the public via social media, and the local newspaper, whenever possible.

### **Newmarket's Boards, Committees and Taskforces will Operate on a Reduced Meeting Schedule between October 1, 2022 and December 31, 2022**

As outlined above, the Committee Administration Policy allows Advisory Committee meetings to be suspended during the fourth quarter of a Municipal election year. However, these bodies will still be able to meet to consider any matters that are time sensitive and related to statutory requirements, and ensure business continuity during the fourth quarter. As many Committees approve their meeting schedule for the upcoming year, staff will present them with a reduced meeting schedule which will ensure that each Committee is meeting as much as possible prior to the fourth quarter (i.e. the Accessibility Advisory Committee will still meet six times in 2022 by adjusting their meeting frequency earlier in the year).

Council does not have any meetings scheduled for the month of October, and has one meeting in November. Given that the Advisory Boards and Committees report through Council, it is not reasonable for meetings to continue to be held if Council is not meeting.

Staff will continue the recognized best practice of conducting an Advisory Committee review at the end of the 2018-2022 term, and will present a report for consideration by the new term of Council in 2023.

### **Restricted Act Provisions as Provided by Section 275 of the Municipal Act, 2001**

Newmarket Council will be in a lame duck period if, it can be determined with certainty, that 3 Members of the current Council would not be on the new 2022-2026 term of Council.

Staff will monitor the following two timeframes to determine if Council may be restricted in its acts:

- If, on August 19, 2022 (Nomination Day), 3 or more current Members of Council decide not to run for office again for the 2022-2026 Term of Council, then Council would be considered lame duck until the beginning of the new Term of Council (i.e., November 15, 2022).

- If, on October 24, 2022 (Election Day), 3 or more current Members of Council are not re-elected or acclaimed, then Council would be considered lame duck until the beginning of the new Term of Council (i.e., November 15, 2022).

In accordance with subsection 275(3) of the Municipal Act, if Council was in a lame duck situation, Council is restricted in the following acts:

- 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.

Subsection 275 (4) of the Municipal Act clarifies that (c) and (d) do not apply if these dispositions or expenditures were previously approved in the budget by August 19, 2022 (Nomination Day) and, Subsection 275 (4.1) clarifies that Council may take all necessary and appropriate actions in the event of an emergency.

Additionally, any person or body that exercises authority previously delegated by Council is not prevented from continuing to act during a lame duck period. For example, staff that has specific delegated authority to hire or dismiss employees or incur expenditures or dispose of property, will not be impacted if there is a period of lame duck. This previous authority may be found in individual Council minutes or in the Delegation By-law. This includes any delegations made in conjunction with a declared State of Emergency.

In 2018, Council amended the Delegation By-law to provide delegated authority to staff to ensure that there is continuity in the services provided by the Town. In the event that there is a period of lame duck with Council in 2022, this delegated authority may be used. During a lame duck period, this delegation will not be used to advance matters that are known to be politically sensitive or of significant interest to the public. On those items, staff will seek separate specific authority to act during this period that is particular to each file.

## **Delegated Authority to the Mayor During a State of Emergency would supersede Lame Duck Provisions**

Should the Town of Newmarket be in a Declared State of Emergency in 2022 at Nomination Day or Election Day, the Mayor is not prevented from continuing to act within any previously delegated authority during the restricted act provisions as provided by Subsection 275 (4.1) of the Municipal Act, 2001.

## **Conclusion**

Council determines its calendar of meetings every year, and is required to establish its meeting frequency for 2022. The 2022 schedule of meetings takes into account all

holidays and Municipal election related dates but is subject to change, if additional meetings are required for Council to conduct its business.

Providing Committees with reduced meeting schedules for 2022 to accommodate the suspension of meetings in the fourth quarter of a Municipal election year allows for Legislative Services staff resources to be prioritized accordingly. A meeting will be scheduled to deal with any time sensitive or legislated matters.

The Town Clerk will advise Council if the restricted act provisions provided by Section 275 of the Municipal Act, 2001 come into effect during the Municipal election period; however, with the previously approved delegated authority to staff, the lame duck impact may be minimal.

## **Business Plan and Strategic Plan Linkages**

This report aligns with all six pillars of Council's Strategic Priorities for the 2018-2022 term, as Council's decision points at Committee of the Whole and Council meetings assists in fulfilling the initiatives within each priority for the Town.

## **Consultation**

Staff from Planning and Building Services were consulted as part of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment A** - Draft 2022 Committee of the Whole and Council Meeting Schedule

## **Approval**

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Peter Noehammer, Commissioner of Development & Infrastructure Services

Ian McDougall, Chief Administrative Officer

## Contact

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