



Executive Committee Agenda

Thursday, January 4, 2018
Council Chambers
County Administration Centre, Walkerton

1. Declaration of Pecuniary Interest
2. Action Items
 - A. Lame Duck Periods (attached)
3. Information Items
 - A. LEAN Culture (attached)
4. Next Meeting

February 1, 2018
5. Adjournment



Committee Report

To: Warden Paul Eagleson
Members of the Executive Committee

From: Donna Van Wyck, AMCT
Clerk

Date: January 4, 2018

Re: Lame Duck Periods

Recommendation:

That the Clerk's Report titled "Lame Duck Periods" be received; and,

That the Clerk be directed to prepare the necessary by-law prior to Nomination Day (July 27, 2018) delegating authority to the Chief Administrative Officer from July 27, 2018 to December 6, 2018 to:

- a) Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.
- b) Be the authority to hire or remove any officer from/to employment with the County of Bruce; and,

That the by-law shall come into force and effect only in the event that less than 75% of the current Members of Council may be returning to sit on the new Council after Nomination Day of the 2018 Municipal Elections, as determined by the Clerk.

Background:

Changes to the Municipal Elections Act through Bill 181 (the Municipal Elections Modernization Act, 2016) impacts the County as it relates to Lame Duck Periods due to the change in the nomination date for candidates for the 2018 municipal election from January 1st, 2018 to May 1st, 2018. The nomination day deadline is now July 27, 2018 rather than the former September deadline time period.



Another amending piece of provincial legislation being Bill 68 (Modernizing Ontario's Municipal Legislation Act) implements a change to the term of office of Council. This amendment provides a new start date for a new term of Council from December 1 following the regular election, to a new date of November 15. This amendment was implemented to shorten the potential Lame Duck period between when the existing Council is still sitting and the new Council takes Office.

For the 2018 Municipal Election the amendment includes a transitional rule under Section 1.1 of the Act which keeps the start date for the 2018 Council term to begin on December 1, and the next Municipal Election in 2022 will start on November 15, thus shortening the Lame Duck period for the next Municipal Election.

In summary of the above information, the 2018 Municipal Election could have a longer Lame Duck period than in the past, which provides the importance of preparing a by-law delegating certain powers to the Chief Administrative Officer pursuant to Section 275 of the Municipal Act, 2001.

Section 275 of the Municipal Act, S.O. 2001, c.25 sets out the restricted acts that a Council shall not take after Nomination Day (July 27, 2018) and after Voting Day (October 22, 2018) if the Council is in a lame duck position.

Lame Duck Position

The determination of whether Council is in a lame duck position occurs twice during the municipal election process.

- a) **Between July 27, 2018 and October 22, 2018** - The determination shall be based on the nominations to the new council that have been certified by the lower-tier Clerk on July 27, 2018. If less than three-quarters (fewer than 6 members of the current Council) of the existing members are not running for Council in the capacity of Mayor, the restrictions set out in the Act will apply.
- b) **Between October 22, 2018 to November 30, 2018** - The election results are declared by the lower-tier Clerk shortly after the municipal election. If the election results in less than 75% of the incumbent County Councillors returning to County Council, the restrictions set out in the Act will apply.



Restrictions

If a Council is in a Lame Duck position, the Council shall not take any of the following actions:

- (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 expenditure or incurring any other liability which exceeds \$50,000.

Exceptions

Clauses (c) and (d) above do not apply if the disposition or liability was included in the most recent budget adopted by the Council before nomination day in the election.

Land Matters

Pursuant to Section 275(3)(c), a municipality can close a real estate transaction during the lame duck period only if the Council passed a by-law approving the execution of the agreement of purchase and sale in advance of the lame duck period.

Expenditures

A contract could be awarded by a Lame Duck Council in excess of \$50,000 so long as the amount was included in the annual budget. The Lame Duck Council would not be able to award the contract, however, if the amount of the tenders or bids exceeded the amount included in the budget.

Emergencies

The Act provides in Section 275(4)(4.1) that nothing in this section prevents a municipality taking any action in the event of an emergency.

Delegation of Authority

Section 275(6) provides that the authority of a municipality can be delegated to a person or body prior to Nomination Day for the election of the new Council.



Delegating of Authority to the Chief Administrative Officer (CAO)

It is recommended that a by-law be prepared prior to Nomination Day (July 27, 2018) delegating financial and staffing authority to the Chief Administrative Officer from July 27, 2018 to December 6, 2018 as follows:

1. That the CAO shall be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.
2. That the CAO shall be the authority to hire or remove any officer from/to employment with the County of Bruce.

Determination of Lame Duck Provision

The Clerk will advise County Council at the August 2, 2018 Executive Committee meeting nomination results to determine if Council is now in a lame duck position.

At the November 1, 2018 Executive Committee Meeting, the Clerk will report on the Election results to determine if Council is in a Lame Duck position.

At the December 6, 2018 Inaugural Meeting and Election of Warden, the by-law delegating the authority to the CAO will expire.

Financial/Staffing/Legal/IT Considerations:

There is no financial, staffing, legal or IT considerations associated with this report.

Interdepartmental Consultation:

There was no Interdepartmental Consultation.

Link to Strategic Goals and Elements:

None identified.

Approved by:

Kelley Coulter
Chief Administrative Officer

Bruce County

A Lean Organization

January 4, 2018



What is Lean?

Lean is the **state** of an organization that always strives to deliver only value to clients.

The **means** to achieve a Lean state is to continuously optimize the flow of value to clients by developing people to collaboratively solve flow problems every day.

What are the Lean values?

Continuous improvement and respect for people.

The Lean values of respect for people (employees and clients) and of continuous improvement of processes lead us to deliver added value to those we serve.

What is Lean?

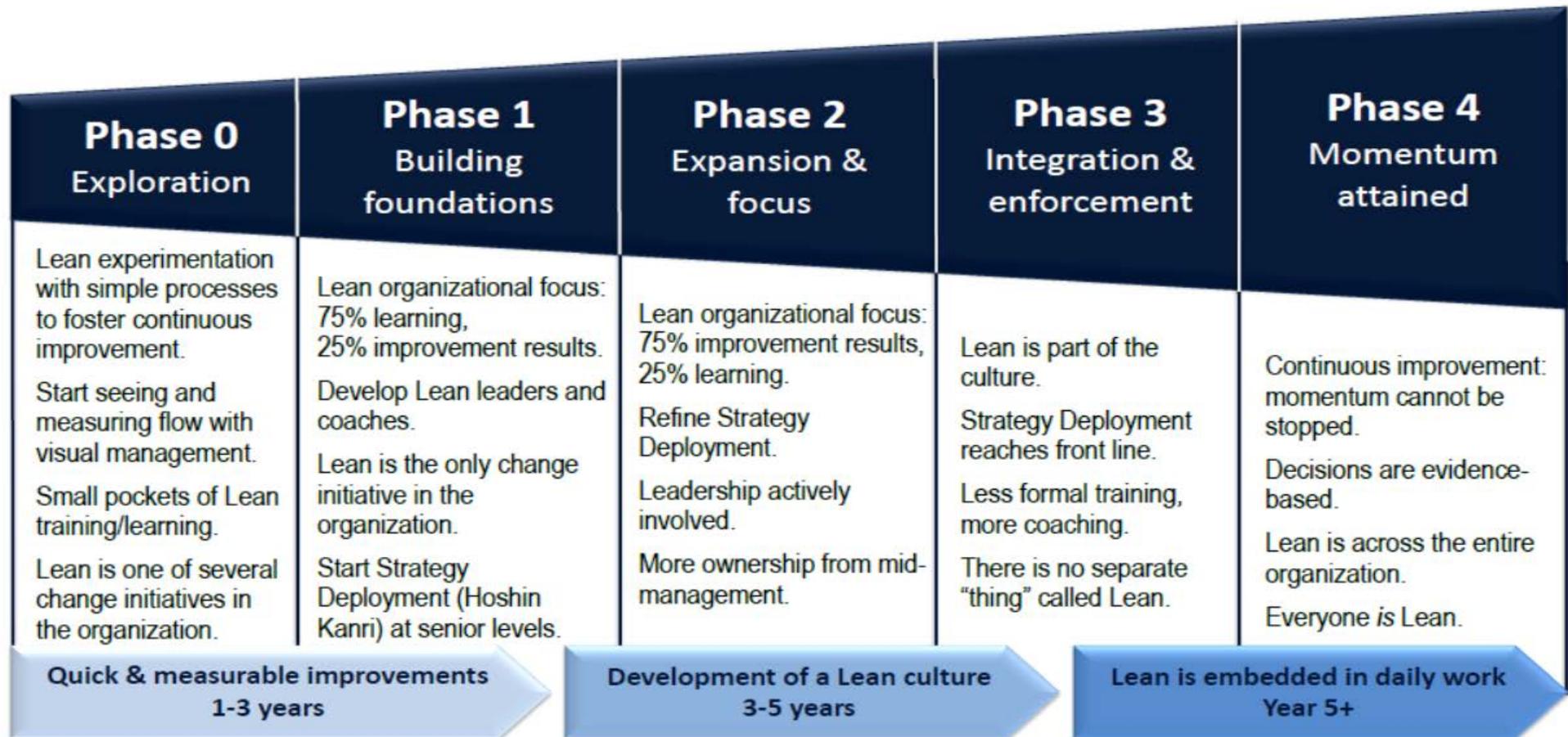
Lean is not ... about blaming people.

Lean is not ... a fad or a project.

Lean is not ... a revolution.

Successful organizational Lean transformations worldwide are **slow, controlled, focused on developing people and led by management.**

Lean for Government Transformation Roadmap



Lean is the science of flow. Lead from the top. Build capacity in people.

3 Key Lean Leadership Principles



Lean is overarching

Organizations striving to become Lean shed all other management approaches. Lean is the **ONE** rigorous, sustainable, overarching, collaborative scientific approach to consistently deliver more value to clients.

Lead from the top

Lean cannot be delegated. Senior Management owns the transformation and leads by engaging in practices that help focus the organization on work as improvement. New practices include going to see work (engaging in Gemba walks and nurturing visual management), establishing Leaders Standard Work and coaching problem solving.

Develop people

Through coaching, management develops people to solve problems to the flow of value every day, at the lowest level possible.

CAO's Commitment



Training and teaching on Lean will occur throughout organization.

All employees across the organization will be involved.

No one will lose their paycheque because of Lean.

How our work is done will change for the better.

CAO's Intent



Everyone innovates and solves problems every day to deliver **more value** to Bruce clients.