

CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW NO. 2022-18

Being a By-law to Appoint a Municipal Clerk

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c.25, ("Municipal Act")* as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its council.

Powers Exercised by By-Law

Section 5 (3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Municipal Administration

Section 227 of the *Municipal Act* provides it is the role of officers and employees of the municipality to implement the Council's decisions and establish administrative practices and procedures to carry out Council's decisions.

Municipal Clerk

Section 228 of the *Municipal Act, 2001, S.O. 2001, c.25, as amended ("Municipal Act")* provides that Council shall appoint a clerk whose duty is,

- a) To record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) If required by any member present at a vote, to record the name and vote of every member voting on any matter in question;
- c) To keep originals or copies of all by-laws and of all minutes of the proceedings of the council;
- d) To perform the other duties required under this Act or a under any other Act; and
- e) To perform such other duties are as assigned by the municipality.

Preamble

Council for the Corporation of the Township of Prince Appointed Mary Lynn Duguay as CAO/Clerk-Treasurer for the Township. Ms. Duguay's employment with the Township ended in March of 2022.

The *Municipal Act* requires municipalities to appoint a Clerk.

A recruitment process was undertaken to fill the position of Municipal Administrator for the township. The Municipal Administrator will be designated as Municipal Clerk. Andrew Nowlan participated in the process and was selected as the top candidate for the Municipal Administrator position.

Decision

Council of the Corporation of the Township of Prince decides it in the best interest of the Corporation to appoint a Municipal Clerk.

Direction

NOW THEREFORE the Council of the Corporation of the Township of Prince directs as follows:

1. That Andrew Nowlan is hereby appointed as the Municipal Clerk for the Corporation of the Township of Prince.
2. That the powers and duties of the Clerk shall be those powers and duties as set forth in the *Municipal Act* and every other Act.
3. That Bylaw 2021-27 appointing Mary Lynn Duguay as CAO/Clerk-Treasurer is hereby repealed.
4. This by-law takes effect on the day of its final passing.

Read and adopted by Resolution 2022-128^A this 27th Day of July 2022.


Mayor


Clerk

