



Report to Committee of the Whole

From: Katherine Thompson, Manager of Administrative Services/Deputy Clerk

Date: April 14, 2026

Subject: ADM 26-13 Delegation of Powers During Restricted Period – Municipal Election 2026

Recommendation(s):

THAT a by-law be presented for approval to delegate authority to the Chief Administrative Officer during a period of restricted acts in the 2026 municipal election year.

Introduction:

The purpose of this report is to provide Council with the information regarding the “Restricted Acts” provisions contained in Section 275 of the Municipal Act, 2001, S.O. c.25 (The Municipal Act) and to recommend the adoption of a by-law temporarily delegating authority to the Chief Administrative Officer in the event that Council is restricted in its authority pursuant to these provisions during the 2026 Municipal Election.

Background and Discussion:

Council is elected for a four-year term. Within the fourth year of the cycle, during the election period, Council is subject to Section 275 of the Municipal Act. Section 275 of the Municipal Act restricts municipal councils from performing certain actions in a municipal election year where it is determined that the incoming council will be comprised of less than three quarters (75%) of its current membership. This is commonly referred to as the ‘lame duck’ period. Every term of council, in order to prepare for the possibility of a ‘lame duck’ period, a by-law is adopted to delegate certain authority to the Chief Administrative Officer during this period.

The County of Elgin Council is comprised of (9) members, therefore the restricted clause would apply if fewer than seven (7) incumbent members of Council were to return for the 2026-2030 term.

Elgin County Council could be in a restricted acts situation during one or both of the following timeframes in 2026:

- 1) From Nomination Day but before Voting Day (August 21, 2026 – October 26, 2026), or

- 2) From Voting Day through to the end of the current term of Council (October 26, 2026-November 15, 2026).

If this occurs, Council would be precluded from making any decisions on the following matters, as laid out in Municipal Act Section 275 (3) until the end of the term (November 15, 2026):

- a) Appointing or removing any officer of the County;
- b) Hiring or dismissing any employee of the County;
- c) Disposing of any real or personal property of the County with a value over \$50,000;
- d) Incurring any expenditures or liabilities exceeding \$50,000.

Exceptions – Section 275 (4)

Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget and adopted by the Council before Nomination Day.

Emergencies – Section 275 (4.1)

Nothing in this section prevents a municipality taking any action in the event of an emergency.

In order to ensure accountability and transparency, the Chief Administrative Officer will report to the new Council in late 2026 indicating each use of the delegated authority during this period.

An example of where this delegated authority might be used is the disposition of Whites Station, in accordance with Council's direction, should this matter extend into a period where restrictions are in place. As Nomination Day approaches, if staff become aware of any areas where delegated authority may need to be used, a report will be brought to Council seeking direction.

Financial Implications:

None.

Advancement of the Strategic Plan:

The initiatives outlined in this report are integral to the County's day-to-day operations, supporting effective governance and the efficient delivery of services to Council and the public. Together, they enhance organizational efficiency and reflect the County's ongoing commitment to transparency, accountability, and good governance.

Local Municipal Partner Impact:

None.

Communication Requirements:

Following Nomination Day, should Elgin County Council be considered 'Lame Duck' the Clerk will notify Councillors, and the by-law will take effect. Additionally, should Elgin

County Council be considered 'Lame Duck' after Voting Day, the Clerk will notify Councillors and the by-law will take effect at this time.

Conclusion:

In order to ensure that the Municipal Corporation can conduct normal business during a time where its actions may be restricted under Section 275 of the Municipal Act, it is prudent to enact a by-law delegating authority to the Chief Administrative Officer during this time.

All of which is Respectfully Submitted

Approved for Submission

Katherine Thompson
Manager of Administrative Services/Clerk

Blaine Parkin
Chief Administrative Officer/Clerk