



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, April 13, 2026

To: Mayor & Members of Council

From: Jennifer Willoughby, Director of Legislative Services/Clerk

Report: LS 2026-06

Subject: Delegation of Authority during "Lame Duck" Period

Recommendation

BE IT RESOLVED THAT Council receives report LS 2026-06 from the Director of Legislative Services/Clerk regarding delegation of authority during the potential "Lame Duck" period;

AND THAT leave be given for the passing of Bylaw #15-2026, being a bylaw to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a lame duck period after August 21, 2026, nomination day to the swearing in of the newly appointed Council.

Background

Section 275 of the *Municipal Act* places certain restrictions on outgoing Councils when and if it can be determined that the new Council will include less than three-quarters (75%) of the members of the outgoing Council.

This period is commonly known as "lame duck", with having not received any submissions of nomination papers as of the writing of this report, a potential for lame duck may commence on Nomination Day (August 21, 2026) or voting day (October 26, 2026).

Analysis

A municipal Council can be in a lame duck situation if it is determined that there is the potential or certainty that less than three-quarters (75%) of the existing Council members will not be returning to office as determined on,

- 1) Nomination Day (August 21, 2026) or
- 2) Voting Day (October 26, 2026).

For the Town of Shelburne, the restricted period would apply if there are not 5 of the 7 current members returning to their same elected positions.

The restricted period would run from August 21 – October 26, 2026 (Nomination Day to Election Day) and/or October 26 – November 15, 2026 (Election Day to end of term). Determination shall be based on the nominations that have been certified and any acclamations made to the new Council, as well as the results of the election.

The outgoing (current) Council cannot undertake any of the following actions during the lame duck period:

- 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 had a value exceeding \$50,000 when it was acquired by the municipality; and
- d) making any expenditure or incurring any other liability which exceeds \$50,000.

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

During the lame duck period, these requirements could significantly limit the Town's ability to carry on business as usual.

To ensure continuity of business, staff recommend that the Chief Administrative Officer (CAO) be delegated the necessary authority during a potential lame duck period for the 2026 municipal election by way of enacting Bylaw #15-2026, attached as Appendix 1 to this report.

In addition, it is recommended that the CAO provide a written report to Council in the first quarter of 2027 regarding any exercise of the authority delegated under the by-law. The authority delegated pursuant to the by-law

would only take effect when Council is deemed to be in a Restricted Acts Period in accordance with the *Municipal Act* and will expire when the Restricted Acts Period is no longer applicable, or when the Council elect takes office.

Financial Impact

No potential financial impacts have been determined at this time.

Policies & Implications (if any) Affecting Proposal

The proposed temporary delegation of authority will allow the Town to carry on business as usual and ensure the Town's financial interests are protected. The Town's procurement decisions will remain fair, open and transparent and follow the Town's Procurement Policy.

Consultation and Communications

Staff review has taken place regarding the potential implications if Council falls into a "lame duck" situation.

Surrounding municipalities have been consulted regarding their position with a possible "lame duck" situation as well.

Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable. There are a total of 14 Priorities with the three Pillars.

This report aligns with the Sustainable and Engaged Pillars within the Priorities of:

SP5 Build responsive organizational capacity

EP4 Support effective communication

Supporting Documentation

Appendix 1 – Bylaw #15-2026 - Delegation of Authority By-law.

Respectfully Prepared by and Submitted:

Alice Byl, Deputy Clerk, Committee Coordinator

Reviewed by:

Jennifer Willoughby, Director of Legislative Services/Clerk

Denyse Morrissey, CAO

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW #15-2026

Being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a “Lame Duck” period after August 21, 2026 nomination day to the swearing in of the newly appointed Council

WHEREAS Section 275 of the Municipal Act, 2001, c.25 as amended, restricts the actions described in subsection (3) after the first day during the election period for a new Council;

AND WHEREAS Section 275 (3) of the Municipal Act, 2001, c. 25 restricts Council from taking action on the following:

- 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.

AND WHEREAS Section 275 (6) of the Municipal Act, 2001, c. 25 states that nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new Council;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the "Lame Duck" period.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Shelburne enacts as follows:

- 1) THAT Council delegates authority to the Chief Administrative Officer of the Corporation of the Town of Shelburne to take action, where necessary, on certain restrictions listed in Section 275 (3) of the Municipal Act, 2001 between Nomination Day and the commencement of the New Council Term.
- 2) THAT the Chief Administrative Officer will report to Council on any actions taken under the restrictions listed in Section 275 (3) of the Municipal Act, 2001 between Nomination Day and the commencement of the New Council Term.
- 3) This By-law is in effect for the 2026 Municipal Election.
- 4) This By-law shall come into force and effect upon its final passage.

This By-law may be cited as the "Lame Duck Delegation of Powers Bylaw"

Passed in Open Council this 13th day of April 2026.

MAYOR

CLERK

By signing this by-law on April 13, 2026, Mayor Wade Mills will not exercise the power to veto this by-law and this by-law is deemed passed as of this date.