



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole – Administration & Operations

Date: April 13, 2026

Department: Administration

Topic: 2026 Lame Duck Council & Restricted Acts

Purpose: To provide an update and overview to Council on the lame duck period in relation to the upcoming 2026 Municipal and School Board Election and to seek direction respecting the preparation of the necessary bylaw prior to nomination day.

Background: “Lame Duck” is a term that Council is referred to when it is determined that the new council will have less than 75% of the membership of the former council. The determination of whether a municipal council is in a restricted position pursuant to section 275 of the Municipal Act, also known as a lame duck council, occurs potentially twice during the municipal election process.

Council may become lame duck in one or both of two separate time periods. The first period is from nomination day (August 21) to election day (October 26). The second period is from October 26 to November 14. The clerk must make a determination at the beginning of each time frame as to whether council’s powers are restricted by section 275 of the Municipal Act.

In the case of the 5 member Edwardsburgh Cardinal Council, after all nominations are in, if there are fewer than 4 members who could possibly make up the new council, powers are restricted. Since we operate on a ward system, this means that 4 of the 5 members must be running for the same seat they are currently holding. After the results are known following election day, the same formula is followed.

The following is a summary of the restricted provisions as provided pursuant to section 275 of the Municipal Act if the council is lame duck for either or both time frames:

- 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.

Exceptions to clauses c) and d) exist if the disposition or liability was included in the 2026 budget adopted by the Council before nomination day of the 2026 municipal election. A real estate transaction can be closed during the lame duck period if Council has authorized the execution of the agreement of purchase and sale in advance of the lame duck period. A contract can be awarded by a lame duck Council in excess of \$50,000 so long as the amount was included in the approved 2026 annual budget. However, the lame duck Council would not be able to award a contract if the amount of the tender or bid exceeds the amount included in the budget.

It is worth noting that Council has delegated spending authority to the Port Management Committee so long as the expenditures are itemized in the approved annual budget. Expenditures that exceed the annual approved budget must be authorized by Council. Council is unable to grant that authorization during a lame duck period.

Municipal officers can be statutory appointments, such as the Clerk or Treasurer or may also include other persons in the organization, such as the Fire Chief.

The restrictions on hiring or dismissing of officers could cause real difficulties during a lengthy lame duck period for certain municipalities. Nothing in section 275 prevents a person or body from exercising authority that has already be delegated by Council. The hiring policy acknowledges delegation of authority to make hiring decisions and was updated in 2024 with the provision that the CAO, Treasurer, Department Manager and Port GM have delegated authority to make hiring decisions. The final hiring decision is not a Council decision, which was changed in 2018. This was done for two reasons: 1. Due to the previous conflict with the 2015 delegation of authority bylaw, which gave the CAO and Port GM clear authority to hire and dismiss; and 2. To avoid future conflicts when in a lame duck period the delegation of authority bylaw was updated with the Port maintaining a separate policy.

Nothing prevents a municipality from taking action in the event of an emergency, but an emergency is not generally defined as a matter that is merely urgent or inconvenient.

After the inaugural meeting of council, the bylaw delegating authority to the CAO pursuant to Section 275 in regard to restricted acts will expire and the newly elected council will be sworn in for the Township of Edwardsburgh Cardinal. Should delegated authority be exercised by the CAO, Council will be informed by way of an information report at the next regular Council or Committee of the Whole meeting.

Policy Implications: Restricted acts are outlined in Section 275 of the Municipal Act, 2001. The Municipal Act requires that all municipalities who choose to delegate authority must adopt a bylaw with respect to the delegation of council's authority.

Strategic Plan Implications: NA

Financial Considerations: There are no financial implications because of this report or delegating authority to the CAO, however, staff will endeavour to initiate as many capital projects as practical prior to the nomination day deadline.

Recommendation: That Committee recommends that Council adopt a bylaw to authorize the delegation of authority to the Chief Administrative Officer from August 21, 2026 to November 14, 2026 to:

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

Further that the bylaw shall come into force only in the event when determined by the Clerk with certainty that less than 75% of the current members of council will be returning to sit on the new council after nomination day for the 2026 municipal election.



Clerk



CAO