



**Subject: Restricted Act and Delegation of Authority – Election 2026**

**Report Number:** CAO - 26-008

Department: Office of the CAO

Submitted by: Trisha McKibbin, Manager of Legislative Services/Clerk

Meeting Type: Council Meeting

Meeting Date: Monday, April 13, 2026

**RECOMMENDATION**

THAT report CAO 26-008 titled “Restricted Act and Delegation of Authority – Election 2026” be received as information.

**BACKGROUND**

This report is to advise Council of the provisions of Section 275 of the Municipal Act, 2001, c. 25 as amended. This section defines what is commonly referred to as the “Lame Duck” period and restricts actions of Council in an election year.

The determination of whether a Municipal Council is in a restricted position occurs twice during the Municipal election period.

- a) Between August 21, 2026, (Nomination Day) to October 26, 2026 (Voting Day) - The determination shall be based on the 2026 candidate election nominations that have been certified by the Clerk on August 24, 2026. If the new Town Council will include less than three-quarters of the members of the outgoing Council, the restrictions set out in the Municipal Act, 2001, will apply.
- b) Between October 26, 2026 (Voting Day), to November 15, 2026 (Term of office commences) – The election results are declared by the Clerk shortly after the Municipal election. If the election results in the new Council are composed of less than three-quarters of the outgoing Council, the restrictions set out in the Municipal Act, 2001 will apply.

For Town of Tillsonburg Council, less than three quarters (75%) is five (5) or fewer members.

Section 275 of the Municipal Act, 2001, contains restrictions if a Council is in a ‘lame duck’ position and that Council shall not take any of the following actions:

- a) The appointment or removal from office 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 these clauses 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.

## **DISCUSSION**

The Municipal Act does allow for the delegation of this authority, and the Town of Tillsonburg has incorporated Lame Duck provisions in the delegation by-law.

Below is the excerpt of the Delegation of Powers and Duties By-Law 2020-091, as amended:

### *8.3. Restricted Acts after Nomination Day*

*8.3.1. In the event that Council becomes "lame duck" and restricted by the provisions of Section 275 of the Municipal Act, 2001 in an election year, the following duties shall hereby be delegated to the CAO:*

*8.3.1.1. the appointment or removal from office of any officer of the municipality, except officers whose appointment is required by the Municipal Act (i.e. Clerk or Treasurer);*

*8.3.1.2. the hiring or dismissal of any employee of the municipality;*

*8.3.1.3. the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, if the disposition was not included in the most recent budget; and*

*8.3.1.4. making any expenditure or incurring any other liability which exceeds \$50,000, if the liability was not included in the most recent budget.*

*8.3.2. Section 275 (6) provides that nothing in the Act "prevents any person or body exercising any authority of a municipality that is*

*delegated to the person or body prior to nomination day".*

In consultation with the CAO, it is recommended that if there are active, real or personal property files in progress, or anticipated that they could be active during the potential "Lame Duck" periods, that Council provide the CAO with clear direction regarding those portfolios/files prior to August 24, 2026.

### Voting Locations

At the May 12, 2025, Regular Meeting of Council, staff report "CS 25-017 Method of Voting for the 2026 Municipal Election" was brought forward and received Council approval for the implementation of online/telephone voting for the 2026 Municipal Election. Online voting will be available through the Advance Voting period, beginning Tuesday, October 13, 2026, through to the end of Voting Day, October 26, 2026, at 8:00p.m.

In accordance with the Municipal Elections Act, 1996 (MEA) Advance Polls for an institution or retirement home will be organized for the following facilities:

- Maple Manor Nursing Home (73 Bidwell Street)
- Tillsonburg District Memorial Hospital (167 Rolph Street)
- Woodingford Lodge Tillsonburg (52 Venison St. W.)
- Tillsonburg Retirement Centre (183 Rolph St.)
- Harvest Crossing Retirement Community 15 Harvest Ave

The polls that are held at these institutions or retirement homes will be open to residents of these facilities only.

During previous elections, Advance Polls were also offered in an additional six (6) senior subdivisions or buildings, though not required as part of the MEA. Turn out at these Advance Poll locations have historically been low and it has been determined to limit Advance Poll locations for the 2026 election to legislatively required locations. With the availability of internet and telephone voting, all electors in senior subdivisions retain full access to accessible voting methods from their homes, reducing the need for additional in-person poll locations.

However, to ensure that the Town is providing support and access to anyone who requires assistance with online/telephone voting a Voter Help Centre, located at the Customer Service Centre (10 Lisgar Ave.) will be supported by election staff throughout the Advance Polls and on Voting Day (10:00a.m. to 8:00 p.m.). Election staff will be available to assist those who attend the Voter Help Centre in-person to vote, or those that require assistance via telephone if they are voting from home or remote location.

Through both online and telephone voting and the in-person option at the Voter Help Centre available throughout the Advance Polls and Election Day period, Town staff believe that eligible voters will have convenient and accessible methods to vote in the 2026 municipal elections.

Staff will continue to monitor candidate nominations and election results to determine whether restricted acts apply and will advise Council immediately should a lame-duck period be triggered. Delegated authorities will ensure continuity of municipal operations during any restricted period.

### **CONSULTATION**

Laura Pickersgill, Acting Deputy Clerk

### **FINANCIAL IMPACT/FUNDING SOURCE**

Funding for the 2026 Municipal Election has been included in the 2026 budget.

### **CORPORATE GOALS**

- Lifestyle and amenities
- Customer service, communication and engagement
- Business attraction, retention and expansion
- Community growth
- Connectivity and transportation
- Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

**Goal** – The Town of Tillsonburg will strive for excellence and accountability in government, providing effective and efficient services, information and opportunities to shape municipal initiatives.

**Strategic Direction** – Develop a communications strategy to increase awareness of Council decisions and municipal programs, projects and services.

**Priority Project** – N/A

**ATTACHMENTS** None