



To: The Council of the Corporation of the County of Northumberland

From: Tonia Bennett, Manager of Legislative Services / Clerk
Northumberland County

Date: August 26, 2026

Re: **2026 Municipal Election - Certified Nominations / Restricted Acts of Council**

August 21, 2026 was the deadline to file nomination papers to run in the October 26, 2026 municipal election.

Based on the certified nominations and acclamations for the position of Mayor among Northumberland County's seven Member Municipalities, Northumberland County Council is now restricted in its acts (also known as the "lame duck provision"). This determination is based on less than three-quarters (75%) of the members of the outgoing Council being registered to run for the position of Mayor in their Member Municipalities. For Northumberland County Council, "less than three quarters" is 5 or fewer members. The certified nominations indicate that four of the current Council members are registered to run for the position of Mayor in the upcoming election.

Northumberland County Council received Report 2026-061 'Restricted Acts of Council ("Lame Duck" Period) and Delegation of Authority, and enacted By-law 18-2026 earlier this year. The report and by-law outline the restrictions that apply to Council, the measures put in place to delegate authorities to the Corporation's Chief Administrative Officer and the Director of Finance / Treasurer during the "lame duck" period, and other relevant information.

County Council meetings will proceed as scheduled for September, October, and November ([2026 Meeting Schedule](#)). Standing Committees for September have been cancelled except for the September 1st Corporate Support Committee. Standing Committees for October and November are tentative at this time.

Please let me know if you have any questions.

Regards,

A handwritten signature in blue ink that reads "Tonia Bennett".

Tonia Bennett
Manager of Legislative Services / Clerk

c.c. Dan Borowec, CAO
Northumberland County Directors
Cheryl Sanders, Deputy Clerk
Member Municipal Clerks

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Report 2026-061

Report Title: **Restricted Acts of Council (“Lame Duck” Periods) and Delegation of Authority**

Prepared by: Cheryl Sanders
Deputy Clerk
Corporate Services

Reviewed by: Tonia Bennett
Manager Legislative Services / Clerk
Corporate Services

Lisa Ainsworth
Director Corporate Services
Corporate Services

Approved by: Dan Borowec, CAO

Council Meeting Date: April 15, 2026

**Report Not Considered by
Standing Committee Because:**

- ☐ Time-sensitive Issue (information received too late for Committee consideration)
- ☐ Urgent Matter (issue arose after this month’s Committee meeting)
- ☒ Other

Strategic Plan Priorities: ☐ Innovate for Service Excellence
☐ Ignite Economic Opportunity
☐ Foster a Thriving Community
☒ Propel Sustainable Growth
☐ Champion a Vibrant Future

Recommendation

“That County Council receive Report 2026-061, ‘Restricted Acts of Council (“Lame Duck” Periods) and Delegation of Authority’ for information; and

Further That County Council enact a by-law, delegating authority to the Chief Administrative Officer and the Director of Finance / Treasurer from the period of August 21, 2026 (Nomination Day) until the 2026-2030 County Council is organized on December 9, 2026, which permits the following actions:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
- Make any expenditures or incur any other liability which exceeds \$50,000;
- Execute any contracts or other documents and pass any by-laws, subject to the restrictions in the *Municipal Act, 2001*, as necessary for those purposes; and

Further That County Council direct staff to apply the by-law only in the event when determined by the County Clerk with certainty, that less than 75 percent of the current Members of Council will return to sit on the new County Council as determined after Nomination Day (August 21, 2026), and / or following the confirmed results from the 2026 Municipal Election; and

Further That County Council direct the Chief Administrative Officer and the Director of Finance / Treasurer to report to County Council in the first quarter of 2027, regarding any exercise(s) of this delegated authority.”

Purpose

The purpose of this report is to provide Council with information on restricted acts of Council (“lame duck” periods) after Nomination Day in a Municipal election year, and/or following the 2026 municipal election, and, to delegate applicable authority to the Chief Administrative Officer and the Director of Finance/Treasurer if Northumberland County Council is in a lame duck position.

Background

Section 275 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (commonly referred to as the “lame duck” Council section) restricts the actions of municipal Councils, if it is determined that the new Council will include less than three-quarters (75%) of the members of the outgoing Council. 75% of a Council consisting of seven members is 5.25. Thus, five members are less, and six members are more than 75 percent. Therefore, 75% of Northumberland County Council is 6 members of Council, and less than three quarters is 5 or fewer members.

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

Time Periods for Determination of “Lame Duck”

- a) **Nomination Day (August 21, 2026) to Election Day (October 26, 2026):**
 - The determination shall be based on the 2026 candidate election nominations that have been certified by the Member Municipal Clerks on August 21, 2026. If the certified candidate list includes less than three-quarters (5 or fewer) of the members of the outgoing County Council, the “Lame Duck” restrictions set out in the *Municipal Act, 2001*, will apply.
- b) **Election Day (October 26, 2026) to end of Current Term (November 14, 2026):**
 - The election results are declared by the Member Municipal Clerks shortly after the Municipal election. If the election results determine that less than three-quarters (5 or

fewer) of the outgoing members of Council will sit on the new County Council, then the “Lame Duck” restrictions set out in the *Municipal Act, 2001* will apply.

The following is a summary of the provisions as provided pursuant to Section 275 of the *Municipal Act, 2001*, Restricted Acts provision:

Restrictions:

If a Council is in a ‘lame duck’ position, the Council shall not take on the following actions:

Municipal Act, 2001, Subsection 275 (3):

- 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.

Municipal Act, 2001, Subsection 275 (4) clarifies that clauses (c) and (d) do not apply if these dispositions or expenditures were previously approved in the budget before nomination day (August 21, 2026).

Municipal Act, 2001, Subsection 275 (4.1) clarifies that Council may take all necessary and appropriate actions in the event of an emergency.

A municipality may close a real estate transaction during the lame duck period if the Council passed a by-law approving the execution of the agreement of purchase and sale in advance of the lame duck period.

Additionally, any person or body that exercises authority previously delegated by Council is not prevented from continuing to act during a lame duck period. For example, the power to hire and dismiss employees is already a delegated responsibility to the County’s senior staff.

Councils are permitted to delegate authority of the duties listed within the *Municipal Act, 2001*, Section 275 (3) to maintain operations during established lame duck Council periods. However, this delegation of authority must be enacted prior to Nomination Day (August 21, 2026). During the 2022 Municipal Election period, delegated authority was granted to the County’s Chief Administrative Officer and to the Director of Finance / Treasurer to exercise the responsibilities listed within Section 275.

Consultations

Various municipal information sources were reviewed to research the information included in this report.

Legislative Authority / Risk Considerations

Legislative authorities that must be considered include the *Municipal Act, 2001*, S.O. 2001, c. 25 s. 275 “Restricted Acts After Nomination Day”.

Northumberland County operations could be at risk if authority is not delegated to the Chief

Administrative Officer and the Director of Finance / Treasurer prior to Nomination Day (August 21, 2026), as it is possible that Council could be deemed to be in a lame duck situation during one or both time periods outlined earlier in this report.

Discussion / Options

Staff recommend that County Council enact a by-law to delegate authority to the Chief Administrative Officer and the Director of Finance / Treasurer to take action, where necessary, on restrictions listed in Section 275 of the *Municipal Act, 2001* between August 21, 2026 and until the 2026-2030 County Council is organized on December 9, 2026.

Financial Impact

In the exercise of this delegated authority, the Chief Administrative Officer and the Director of Finance/Treasurer will determine that sufficient funds are available for any expenditures and ensure compliance with the County's Purchasing By-law. The Chief Administrative Officer and the Director of Finance / Treasurer will report to County Council in the first quarter of 2027 regarding any exercise of delegated authorities.

Member Municipality Impacts

N/A

Conclusion / Outcomes

Staff recommend that County Council delegate authority by by-law to the Chief Administrative Officer and the Director of Finance/Treasurer to:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
- Make any expenditures or incur any other liability which exceeds \$50,000;
- Execute any contracts; and

The by-law would come into force at such time as the Clerk determine that Northumberland County Council is in a "lame duck" situation, as outlined in this report.

Staff also recommend that the Chief Administrative Officer and the Director of Finance / Treasurer report to County Council in the first quarter of 2027 regarding any exercise of delegated authorities.

Attachments

1. Report 2026-061 ATTACH 1 'A By-law to Delegate Authority to the Chief Administrative Officer and the Director of Finance / Treasurer for the Period of August 21, 2026 to December 9, 2026'

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By-law 18-2026

A By-law to Delegate Authority to the Chief Administrative Officer and the Director of Finance / Treasurer for the Period of August 21, 2026 to December 9, 2026

Whereas Section 275 of the *Municipal Act, 2001*, SO 2001 c.25 as amended, restricts the actions of Council, as described in subsection (3), after the first day during the election period for a new Council, where certain conditions are met ("Lame Duck" Council); and

Whereas Section 275 (3) of the *Municipal Act, 2001*, SO 2001 c.25 as amended, restricts Council from taking the following actions, if Council is deemed to be in a "Lame Duck" position:

- 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;
 - d) Making any expenditures or incurring any other liability which exceeds \$50,000;
- and

Whereas Section 275 (6) of the *Municipal Act, 2001*, SO 2001 c.25 as amended, 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 deem it expedient to delegate authority to the Chief Administrative Officer and the Director of Finance / Treasurer for the period of August 21, 2026 to December 9, 2026;

Now Therefore Be It Enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

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1. Subject to the restrictions set out in sections 23.1, 23.2 and 23.3 of the *Municipal Act*, 2001 SO 2001, c. 25, and the conditions set out in this By-law, Council hereby delegates its authority to take any of the actions described in subsection 275(3) of the *Municipal Act*, 2001 SO 2001, c. 25 during the period from August 21, 2026 to December 9, 2026, inclusive; and
2. The Chief Administrative Officer and the Director of Finance / Treasurer are hereby further authorized, subject to any restrictions set out in sections 23.1, 23.2, and 23.3 of the *Municipal Act*, 2001 SO 2001, c. 25, to execute contracts or other documents, and to retain and instruct such consultants or legal counsel, and pass by-laws, where necessary to give effect to the delegated authority described in section 1 of this By-law, between August 21, 2026 to December 9, 2029, inclusive; and
3. The Chief Administrative Officer will, as soon as is practicable, report to Council on any actions taken pursuant to the authority set out in this By-law; and
4. This By-law will come into force at such time as the Clerk (or Deputy Clerk) determine that Northumberland County Council is in a "lame duck" situation in accordance with section 275 of the *Municipal Act*, 2001 SO 2001, c. 25. Upon making such determination the Clerk (or Deputy Clerk) shall cause notice to be given to all members of Council, the Chief Administrative Officer, and the Director of Finance/Treasurer through such means as the Clerk (or Deputy Clerk) consider expedient, that this By-law has come into force. For greater certainty, neither the failure to deliver the notice required by this section nor the non-receipt of such notice by a member of Council or officer of the Municipality shall affect the coming into force of this By-law in accordance with this section.
5. That this by-law shall expire upon execution of the Declaration of Office by all County Council-Elect for the 2026-2030 Term of Council. Nothing in this section shall relieve the Chief Administrative Officer of any requirement to report to Council in accordance with section 3 of this by-law which is outstanding at the time this by-law expires. The expiry or repeal of this by-law shall not invalidate any action taken pursuant to the authority delegated hereunder.

That By-law 18-2026 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 15th day of April, 2026.


Robert Crate, Warden


Tonia Bennett, Clerk

