

## Report to Council

<b>Report Title:</b>	2026 Municipal Election Delegation of Authority for Restricted Acts		
<b>Prepared By:</b>	Sarah Johnson, Deputy Clerk and Fiona Hamilton, Director of Legislative and Legal Services (Clerk)		
<b>Department:</b>	Clerk's		
<b>Date:</b>	April 28, 2026		
<b>Report Number:</b>	CLK2026-07	<b>File Number:</b>	C11CL, C07
<b>Attachments:</b>	Draft Lame Duck Delegation of Authority By-Law Mayoral Decision MDE2025-005		

### Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2026-07 – 2026 Municipal Election Delegation of Authority for Restricted Acts, prepared by Sarah Johnson, Deputy Clerk and Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and approves staff bringing forward a by-law delegating authority for acts restricted by Section 275 of the *Municipal Act, 2001*.

### Report:

#### Background:

Nomination Day for the 2026 Municipal Election is August 21, 2026 (although nominations can be filed as early as May 1, 2026) and the new term of Council commences on November 15, 2026. Section 275 of the *Municipal Act, 2001* (the "Act") restricts an outgoing Council from certain actions unless 75% of the Members of Council will be returning to sit on the new Council. These provisions are commonly known as the "Lame Duck" provisions.

The restricted acts are as follows:

- 1) Appointing or removing from office any Officer of the Municipality;
- 2) The hiring or dismissal of any employee of the Municipality;
- 3) The disposal of any real or personal property of the Municipality which has a value exceeding \$50,000.00 at the time of disposal (unless previously authorized in the 2026 Budget);
- 4) Making any expenditures or incurring any liability which exceeds \$50,000.00 (again unless previously authorized in the 2026 Budget).

There are two possible time periods when the Lame Duck provisions may apply: between the close of nominations and the close of voting on Voting Day (October 26, 2026) and between the close of voting on Voting Day and the start of the new term (November 15, 2026).

If, during either of these two periods, it can be determined that at least 75% of the incoming Council will be made up of members from the outgoing Council, then the Lame Duck provisions will not apply.

### **Analysis:**

Many municipalities deal with the Lame Duck provisions by delegating authority to staff members, usually the Chief Administrative Officer. Section 275 (6) of the Act sets out that the Lame Duck provisions do not prevent any person or body exercising any authority of the municipality that is delegated to the person or body prior to nomination day for the election period.

However, Section 23.3(a) of the Act also prohibits Council from delegating certain powers, including the power to appoint or remove from office an officer of the municipality whose appointment is required by the Act, and the power to adopt or amend the budget of the Municipality.

Under Strong Mayor Powers - Part VI.1 (Special Powers and Duties of Head of Council) of the Municipal Act, 2001 - Mayor Chris Peabody previously issued Mayoral Decision MDE2025-005 on May 22, 2025 delegating the following powers and duties assigned to the head of Council under Section 284.5 of the Act with respect to the Chief Administrative Officer to the Council of the Municipality of Brockton; and further delegated powers and duties assigned to the head of Council under Section 284.6 of the Act to the Chief Administrative Officer:

- a) Determining the organizational structure of the Municipality; and
- b) Hiring, dismissing, or exercising any other prescribed employment powers with respect to any division or the head of any other part of the organizational structure,

The Ministry of Municipal Affairs and Housing has taken the position that the Head of Council continues to be subject to Section 275 of the Municipal Act, and that Strong Mayor Powers would not apply to this section of the Act. As such, staff recommend delegating authority for the restricted acts to the Chief Administrative Officer to ensure continuity of operations within the scope of permitted powers.

A draft by-law has been brought forward for Council's consideration. The by-law specifies a defined time period for the exercise of the authority and further requires that the Chief Administrative Officer will report to Council on any actions taken under the delegated authority.

### **Brockton's Community Goals:**

The content and recommendations in this report support advancing the priorities to **Build a Better Brockton** in one or more of the following areas: **Heritage, Culture, and Community, Quality of Life, Municipal Governance, Land Use Planning and the Natural Environment, and/or Economic Development.**

### **Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

While there are no direct financial expenses associated with this report, there could be significant financial implications if some of the restricted Acts could not be authorized (such as proceeding with a sale of land in the East Ridge Business Park).

**Reviewed By:**



Trish Serratore, Chief Financial Officer

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**Respectfully Submitted by:**



Sarah Johnson, Deputy Clerk



Fiona Hamilton, Director of Legislative and Legal Services (Clerk)

**Reviewed By:**



Sonya Watson, Chief Administrative Officer