



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: March 16, 2026

Report No: CORS-009-26

Subject: Restricted Acts (Lame Duck) Delegation of Authority Provisions

Recommendation: THAT the necessary by-law, included on the March 16, 2026 Council Meeting agenda, be considered for approval.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information regarding the 'Restricted Acts' provisions outlined in Section 275 of the Municipal Act, 2001, S.O. 2001, c. 25

Staff recommend the adoption of a by-law to temporarily provide the Town of Milton with the ability to conduct certain business in the event that Council is restricted in authority pursuant to these provisions for the 2026 Municipal Election. A similar by-law was adopted in 2021 in preparation for the last municipal election in October 2022.

REPORT

Background

Section 275 of the Municipal Act, 2001 prohibits municipal councils from undertaking certain acts after Nomination Day in a municipal election year and prior to a new Council taking office, subject to specific conditions. This legislative restriction is referred to as "Restricted Acts", or more commonly referred to as the "lame duck" period.

Council can be in this situation for the 2026 Municipal Election during one or both of the following time periods:

1. The period from Nomination Day (August 21, 2026) to Voting Day (October 26, 2026); and
2. The period from Voting Day (October 26, 2026) to the end of the 2022-2026 term of Council (November 14, 2026).



Background

If, during the above-noted periods, it can be determined with certainty that the new Council will include less than three-quarters of the outgoing Council Members (i.e. less than 7 members), then the Restricted Acts provision apply. Council will be statutorily restricted from taking certain actions until the new term of Council begins on November 15, 2026

If the Restricted Acts provision is engaged, this Council would be subject to certain restrictions as provided in Section 275(3) of the Municipal Act, 2001, including:

- a) Appointing or removing from office any officer of the municipality;
- b) The hiring or dismissal of any employee of the Town;
- c) Disposing 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.

Subsection 275(3)(a) requires authority in the event that an officer, such as the Town Clerk, Treasurer, the Chief Building Official and the Fire Chief of the Town is required to be appointed or removed from office.

Subsection 275(3)(b) does not apply, as the authority for the hiring or dismissal of any employee has been delegated to the Chief Administrative Officer (CAO).

Subsections 275(3)(c) and (d) only apply if the exceeding disposition or liability was not included in the most recent budget adopted by Council prior to Nomination Day or exceeds the authority provided to the CAO in the Town-Owned Land Disposition Policy. This policy includes the following provision: if less than \$150,000, the CAO may authorize the proposed Disposition of lands in accordance with the terms and conditions as set in this Policy and the delegation of authority by-law. Any disposition of property over \$150,000 requires Council approval and would, therefore, be restricted should the Restricted Acts provision be in effect and could not be considered until the new term of council. This delegation is only required for real property, other Town asset disposal is covered in the Purchasing By-law #061- 2018.

As outlined in Section 275 (4.1) of the Municipal Act, 2001, nothing in this section prevents a municipality from taking any action in the event of an emergency.

Section 275(6) provides that even if the Restricted Acts section is engaged, it does not affect any delegation of authority which has been properly granted prior to Nomination Day. Existing delegations such as those under the CAO By-law, Delegation By-law and the Purchasing By-law, for example, are not impacted by the previously-noted restrictions.



Discussion

A by-law delegating authority to the CAO during the “restricted acts” or “lame duck” period is recommended to ensure continuity of municipal operations by temporarily extending the CAO’s decision-making powers beyond those already delegated by Council. This delegation would only take effect if the Restricted Acts provisions of the Municipal Act become applicable to the current Council. A similar by-law was adopted in 2021 in preparation for the last municipal election in October 2022.

The by-law would expire at the start of the new Council on November 15, 2026. In addition, it may include a requirement for the CAO to report back to Council in the first quarter of 2027 on any actions taken under this delegated authority.

Financial Impact

The proposed By-law provides for delegated authority for the CAO to temporarily approve procurement related items that exceed the staff delegated authority limits identified in the Purchasing By-law 061-2018 and Budget Management Policy No. 113.

The exercise of this delegated authority, along with financial impacts, will be reported to Council during the first quarter of 2027.

Respectfully submitted,

Meaghen Reid
Director, Legislative & Legal Services/Town Clerk

For questions, please contact: Greta Susa

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Attachments

None

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer



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Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.