



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Election Policies and Delegation of Authority Provisions Review

Date: Apr. 20, 2026

Report Number: CLK-2026-13

Department: Legislative Services

File Number: C11 CLK 26

Prepared By: Jennifer White, Manager of Legislative Services/Clerk

Attachments: Draft Delegation of Authority By-law, Draft Corporate Use of Resources Policy

Recommendation:

THAT the Township of Huron-Kinloss Council receive Report CLK-2026- 13 prepared by Jennifer White, Manager of Legislative Services/Clerk;

AND FURTHER that the appropriate by-laws be brought forward as a matters arising.

Background:

Pursuant to the *Municipal Elections Act, S.O. 1996, c. 32* (the MEA) the Clerk is responsible for conducting Elections in a municipality. Responsibility for conducting an election includes responsibility for preparing elections procedures, forms and policies as required.

As part of the review of policies and procedures for the 2026 Municipal and School Board election, Staff have reviewed the Corporate Use of Resources Policy which has been utilized since 2014. Updates are suggested for clarity as outlined in this report.

Additionally, Staff recommend that Council consider delegating authority to the Chief Administrative Office to make decisions and act on certain matters should Council become subject to the Restricted Acts Provisions contained in Section 275 of the Municipal Act S.O. 2001, C.25,.

Discussion/Analysis/Overview:

Restricted Acts Provisions of the Municipal Act

Section 275 of the *Municipal Act S.O. 2001, C.25* (The Act) as amended restricts the acts that a Council can take after Nomination Day and after Voting Day where three quarters (3/4) of the members of the outgoing Council of the municipality may or will not be returning. The restricted acts period set out in the Act has been known informally as the "lame duck" period.

The restricted acts period would begin when the Clerk establishes that there is a potential or certainty that less than three-quarters of the existing Council members will be returning to office. The Township of Huron-Kinloss has a 7-member Council consisting of offices for Mayor (1), Deputy Mayor (1) and Councillor (5). When this

calculation is applied, the result is 5.25 which according to regulations is rounded to 6 members.

Two key dates to be noted when considering whether a Council has been restricted under the Act are:

August 21, 2026 – Nomination Day – If there is a potential or certainty that 6 of the 7 existing members may not be re-elected, the restrictions will apply.

October 26, 2026 (Election Day) to Inauguration of new Council (Nov 16, 2026) If less than 6 of the 7 incumbent members of Council will be forming the 2026-2030 Council, the restrictions will continue to apply.

Restrictions

Section 275 (3) of the Municipal Act S.O. 2001, C.25 (the Act) as amended restricts taking action on the following:

- 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 expenditure or incurring any other liability which exceeds \$50,000.

Clarifications

Mayoral Powers - Staff anticipate that the Ministry of Municipal Affairs and Housing (MMAH) will provide guidance to Staff on the impacts of the Mayoral Powers introduced under the Authority of Part VI.1 of the Act on these restrictions. Without additional clarification, it is assumed that as Part VI.1 delegates Council's authority on certain matters to the Mayor, and Council is restricted under Section 275, that the Mayor would also be restricted during this period from utilizing Mayoral Powers on the restricted acts.

Land Matters - With respect to Section 275(3)(c), a municipality could close a real estate transaction during the restricted acts period only if the Council passed a by-law approving the execution of the agreement of purchase and sale in advance of a Council being subject to the restricted acts provisions.

Expenditures - With respect to Section 275(3)(d) a contract could be awarded by Council in excess of \$50,000, during the restricted acts period so long as the amount had already been included in the approved budget. Council would not be able to award the contract, however, if the amount of the tenders or bids exceeded the amount included in the approved budget.

Emergencies – The Act provides at Section 275(4.1) that nothing in this section prevents a municipality taking any action in the event of an emergency.

Delegation

Section 23.1 of the Act authorizes a Council to delegate its powers and duties under the Act or any other Act to a person or body, subject to the restrictions set out in Part II of the Act.

It is common practice in municipalities for Council to delegate certain functions during the restricted period to members of Staff or Boards, to ensure continuity of operations. In smaller municipalities, including the Township of Huron-Kinloss this delegation has been provided to the Chief Administrative Officer (CAO).

Staff recommend that a by-law be enacted delegating the financial and staffing authority to the CAO should Council be subject to the Section 275 restricted act provisions of the Act, as follows;

- a) Authority to approve contracts for projects and be authorized to sign approved contracts;
- b) Authority to be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000.00
- c) Authority to execute an agreement of purchase and sale pertaining to the acquisition or disposition of any real or personal property which has a value exceeding \$50,000.00;
- d) be the authority to hire or remove any officer from/to employment with the Township of Huron-Kinloss;
- e) be the authority to hire or dismiss any employee of the Township.

The delegated authority would only take effect at such time as the Clerk confirms that the Council becomes subject to the 'Restricted Act' provisions. The authority would only last until the restricted period ends and would be in place for the 2026 election only.

The CAO would be required to report to Council if the delegated authority has been used.

Corporate Use of Resources for Elections Purposes Policy

As part of the 2026 Municipal and School Board Election preparations, Staff have reviewed the Corporate Use of Resources Policy which has been used since 2014.

The Council and Committee Code of Conduct established by [By-law No. 2023-93](#) addresses Election related activity in Section 13:

13.0 Election Activity

13.1 A Member is required to conduct themselves in accordance with the Municipal Elections Act, 1996 and any of the Township's policies pertaining to elections. The use of the Township's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

The MEA Section 88.18 requires:

Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period

To provide clarity on this for staff, members of Council and Candidates in the Election, the Township established a Use of Corporate Resources or Facilities for Election Purposes Policy.

Staff are recommending minimal changes to the Policy to

- a) update the policy to the most recent version of administrative templates
- b) provide clarity regarding social media assets of the Township
- c) clarification on Council expenses related to training and conferences during the campaign period.

This policy applies to members of Council regardless of whether they are candidates, acclaimed to a position or not seeking re-election.

Staff recommend that a by-law be passed adopting the policy as drafted as a matters arising to meet the May 1 deadline established by the MEA.

Financial Impacts:

Without a delegation of authority by-law Council may be restricted from

- a) awarding contracts including those over \$50,000 where the bid amount exceeds the amount approved in the 2026 budget;
- b) completing purchases or land sales in excess of \$50,000;
- c) replacing members of staff who retire or otherwise leave employment with the Township

The Use of Corporate Resources or Facilities for Election Purposes ensures that Township assets are not being utilized for campaign purposes, while allowing flexibility for revenue from facility rentals.

Performance Measurement:

Meet legislative requirements.

Strategic Area:

- Embrace a thriving rural lifestyle
- Enhance Municipal Service Delivery
- Prepare for Inclusive Growth
- Ensure Financial Stability

Strategic Goal: Strive for continuous improvement and increased efficiency

Respectfully Submitted By:

Jennifer White, Manager of Legislative Services/Clerk

Report Approved By:

Jodi MacArthur, Chief Administrative Officer