

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2026-0041**

**Being a By-law to Authorize the Temporary Delegation of Authority to the Chief
Administrative Officer for Certain Acts for the Period Between Nomination Day
and the Commencement of the New Council Term**

WHEREAS a municipal election will be held on October 26, 2026 and Nomination Day for the election is on August 21, 2026;

AND WHEREAS pursuant to Section 275 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Act”), Council shall not take certain actions after the first day during the election for a new Council on which it can be determined that the new Council will include less than three-quarters of the members of the outgoing Council;

AND WHEREAS it is possible that Council may be restricted on Nomination Day or thereafter as a result of the operation of Section 275 of the Act;

AND WHEREAS subsection 275(6) of the Act provides that nothing in section 275 prevents any person or body exercising any 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 it is desirable for Council to delegate certain authority for the purpose of ensuring the efficient operation of the Corporation of the Town of Greater Napanee in the event that, and for so long as the Council is restricted as a result of the operation of Section 275 of Act;

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee hereby enacts as follows:

1. This by-law shall only apply during the restricted acts period of August 21, 2026 and the inaugural meeting of Council on November 17, 2026 before and after which time this by-law shall have no force or effect.
2. Council delegates the authority within this by-law only if:
 - a. After Nomination Day, August 21, 2026, but before Voting Day, October 26, 2026, less than 6 of the incumbent Council members are nominated for Council, including any acclamations; and/or
 - b. After Voting Day, October 26, 2026, and up to and including November 17, 2026, less than 6 of the incumbent Council members will be returning to Council.

3. If Council is bound by Section 275 of the Act during the restricted acts period, the Chief Administrative Officer (CAO) is hereby delegated the authority to address the following matters:
 - a. The authority to negotiate, approve and execute agreements for the disposal of any personal property belonging to the Town with a value greater than \$50,000;
 - b. The authority to make any unbudgeted expenditures or incur any other liability that exceeds \$50,000, including the authority to approve a bid or proposal for a project that has been included in the budget but is in excess of the budgeted amount approved by Council.
4. Prior to exercising the delegated authorities set forth in this By-law, the CAO shall be required to consult with the Treasurer, and the Treasurer shall be authorized to fund amounts in excess of the budget for individual capital projects through transfers between projects and/or through reserves funding.
5. During the restricted acts period no transactions for the purchase or sale of land shall be conducted by the Town and any offers to purchase lands previously declared as surplus must be held until Council is no longer bound by Section 275 of the Act.
6. Should any delegated authority be exercised under this by-law, the sitting Council shall be informed by way of an information report at the next regularly scheduled meeting or special meeting called for this purpose.
7. The CAO shall also provide a written report to the new Council on any exercise of this delegated authority at the first regularly scheduled meeting of the new term of Council, which shall include a recommendation for Council to ratify any transfer of funds in or out of reserves if required.
8. The authorities delegated to the CAO and Treasurer pursuant to this by-law include the authority to negotiate, enter into, and execute all necessary contracts and agreements and any ancillary documents and to take all necessary steps and actions to exercise the delegated authority.
9. No delegation of authority in this by-law shall constrain or limit, in any manner whatsoever, any delegation of authority existing in any other by-law of the Town of Greater Napanee. In the event of inconsistency between this By-law and any other By-law or Council resolution, the provision that most effectively delegates authority prevails to the extent of the inconsistency.
10. This by-law may be cited as the Lame Duck Delegation By-law.
11. This by-law shall come into force and effect on the date it is finally passed.

Read a first and second time and finally passed this 28th day of April, 2026.

Terry Richardson, Mayor

Jessica Walters, Clerk

By signing this by-law on _____, I Mayor Richardson confirm that I will not exercise the power to veto this by-law and the by-law is deemed approved.