



## **The Corporation of the County of Essex**

### **By-Law Number 2022-25**

#### **A By-law to Authorize the Delegation of Authority to the Chief Administrative Officer for Certain Duties During Restricted Periods.**

**Whereas** Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its powers and duties to a person or body subject to the restrictions set out in the *Municipal Act, 2001*, S.O. 2001, c.25;

**And whereas** Section 275 of the *Municipal Act, 2001*, S.O. 2001, c.25, restricts Council from taking certain actions after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022), depending on the nominations or the results of the election;

**And whereas** members of Council also serve as members of the Committee of Management of the Sun Parlor Home, which Committee of Management is comprised solely of members of Council;

**And whereas** Section 275 (3) of the *Municipal Act, 2001*, S.O. 2001, c.25 restricts Council from taking the following actions, unless an exception as set out in Section 275 (4) applies:

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

**And whereas** Section 275(6) of the *Municipal Act, 2001*, S.O. 2001, c.25 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** it is deemed expedient by Council to delegate certain duties during the period that Council is restricted in its actions under Section 275 of the *Municipal Act, 2001*, S.O. 2001, c.25

**Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:**

- 1) **That** their authority as members of both Councilors on Council of the County of Essex and as members of the Committee of Management of the Sun Parlor Home be and is delegated, subject to the terms outlined below, to the Chief Administrative Officer of the Corporation of the County of Essex, or Acting Chief Administrative Officer in his absence, to approve the following acts, where necessary,
  - appointment or removal of any Officer (Department Head) of the County of Essex;
  - disposition of real property owned by the County of Essex;
  - unbudgeted expenditures or liabilities of the County of Essex exceeding \$50,000;

for the period between Nomination Day (August 19, 2022) and the commencement of the Council Term upon the new Council being sworn in (November 23, 2022).
- 2) **And that** the Chief Administrative Officer will report to Council, or the Committee of Management of the Sun Parlor Home, on any use of the delegated authority at the first regular meeting of the new term of Council.
- 3) **And that** this By-law is in effect from August 19, 2022 until November 23, 2022.
- 4) **And that** this By-law shall come into force and take effect after the final passing.

**Read a first, second and third time and Finally Passed this 10th day of August, 2022.**

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Gary McNamara, Warden

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Mary S. Birch, Clerk

**Clerk's Certificate**

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2022-25** passed by the Council of the said Corporation on the **10**, day of **August, 2022**.

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Mary S. Birch, Clerk  
Corporation of the County of Essex