



Administrative Report

To: Warden MacDonald and Members of Essex County Council

From: Katherine Hebert, County Clerk

Date: Wednesday, November 20, 2024

Subject: Appointment of the Director, Legislative and Legal Services/County Solicitor as a Deputy Clerk for the Corporation of the County of Essex

Report #: 2024-1120-LCS-R37-KH

Purpose

The purpose of this Administrative Report is to seek County Council approval to appoint the Director, Legislative and Legal Services/County Solicitor, David Sundin as an additional Deputy Clerk for the Corporation of the County of Essex, in accordance with Section 228(2) of the *Municipal Act 2001*, which authorizes a municipality to appoint a Deputy Clerk who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and any other applicable provincial legislation.

Background

As per the *Municipal Act, 2001*, municipalities are obligated to appoint a Clerk to carry out certain duties as defined by the *Municipal Act, 2001*. Further, municipalities may also appoint one or more Deputy Clerks each vested with all powers and responsibilities of the Clerk.

Earlier in 2024 County Council appointed the Chief Administrative Officer, as a Deputy Clerk.

Discussion

The retirement of the former Director, Legislative and Community Services/Clerk, and dividing of the role has led to subsequent appointments of the new County Clerk, and more recently the Director, Legislative and Legal Services/County Solicitor. Considering the authority under Section 228(2) of the *Municipal Act, 2001* to carry out the duties of the Clerk, it is prudent to appoint another Deputy Clerk for those circumstances that may arise where there is an illness, absence, or inability to perform the statutory

duties of the Clerk, by the existing County Clerk. Appointing the Director, Legislative and Legal Services/County Solicitor as a Deputy Clerk for the County of Essex, as a backup mechanism, for those instances is advised.

At the April 17, 2024 meeting, Council appointed the CAO as Deputy Clerk for the Corporation, as a backup for the period of transition and recruitment of a County Clerk and Director, Legislative and Legal Services. Since the County will now have two other Deputy Clerks to serve competently in the absence of the Clerk, with the appointment of the Director, Legislative and Legal Services/County Solicitor and the backfilling of the Manager, Records and Accessibility/Deputy Clerk, which is anticipated to be filled in the coming weeks. It is now advisable to repeal the CAO's appointment.

Financial Implications

There are no financial implications related to the appointment of the Director, Legislative and Legal Services/County Solicitor as a Deputy Clerk.

Consultations

Consultations with the Chief Administrative Officer and Warden have taken place during the preparation of this report.

Strategic Plan Alignment

Working as Team Essex County	Growing as Leaders in Public Service Excellence	Building a Regional Powerhouse
<ul style="list-style-type: none"><input type="checkbox"/> Scaling Sustainable Services through Innovation<input checked="" type="checkbox"/> Focusing "Team Essex County" for Results<input type="checkbox"/> Advocating for Essex County's Fair Share	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Being an Employer with Impact<input type="checkbox"/> A Government Working for the People<input type="checkbox"/> Promoting Transparency and Awareness	<ul style="list-style-type: none"><input type="checkbox"/> Providing Reliable Infrastructure for Partners<input type="checkbox"/> Supporting Dynamic and Thriving Communities Across the County<input type="checkbox"/> Harmonizing Action for Growth<input type="checkbox"/> Advancing Truth and Reconciliation

Recommendation

That Essex County Council receive report 2024-1120-LCS-R37-KH as information, and approve, by way of passing By-law Number 2024-50, for the appointment of the Director, Legislative and Legal Services/County Solicitor, as a Deputy Clerk for the Corporation of the County of Essex and that by-law 2024-18 be repealed.

Approvals

Respectfully Submitted,

Katherine Hebert

Katherine Hebert, County Clerk

Concurred With,

David Sundin

David Sundin, BA (Hons), LL.B., Director, Legal and Legislative Services/County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
N/A	N/A
