



Administrative Report

To: Warden MacDonald and Members of Essex County Council

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

Date: Wednesday, March 19, 2025

Subject: Consolidated Delegation of Authority By-law

Report #: 2025-0319-LLS-R14-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with the necessary information to consider the draft Delegation of Authority By-law.

Background

The Warden and certain Members of Administration have historically exercised certain delegated authority. However, that delegation of authority is often buried in legislative provisions, existing County By-laws, or in a past practice that is not well documented or specifically provided for.

County Administration recognized that this was a problem, with the previous County Clerk starting the process to draft and present a consolidated Delegation of Authority By-law in or about 2018. However, that process was derailed by the COVID-19 pandemic, and further impacted by the retirement of the previous County Clerk who had started the process.

Discussion

The issue of the need for a Consolidated Delegation of Authority By-law was brought to the forefront again due to the adoption of the County's Strategic Plan.

Goal 2 of the Strategic Plan, entitled Growing as Leaders in Public Service Excellence provides that the County will focus on becoming recognized as a leader in regional governance and a trusted provider of quality public services. Strategic Direction 5 under Goal 2 calls for an elevation of County Council's collaboration and decision-making capabilities and capacity. To assist in achieving this Strategic Direction, the Strategic Plan called for,

among other things, for a "review and update [of the] delegation of authority by-law to streamline decision-making".

Further, Section 270(1) of the *Municipal Act* provides that municipalities **shall** adopt and maintain certain policies, including, "the delegation of its powers and duties". As such, Council adopting a Consolidated Delegation of Authority By-law will not only advance the Strategic Plan, it will also bring the County into compliance with Section 270(1) of the *Municipal Act*.

As stated in this Report above, there has never been a comprehensive Delegation of Authority By-law. As such, Administration has drafted a Consolidated Delegation of Authority By-law that takes into account:

- (1) the established practices of the County;
- (2) the provisions of the *Municipal Act*;
- (3) existing By-laws of the County that specifically delegate authority; and
- (4) best practices from other municipalities.

The draft Consolidated Delegation of Authority By-law attempts to clearly outline the delegation of authority and allow Administration to use the delegated authority to address matters in a timely fashion, while concurrently maintaining accountability to Council for the actions taken by those exercising the delegated authority.

Financial Implications

There are no financial implications to adopting the proposed By-law.

Consultations

In drafting this Report, those members of Administration that are referenced in the draft By-law were consulted.

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 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 type="checkbox"/> Being an Employer with Impact <input checked="" type="checkbox"/> A Government Working for the People <input checked="" 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 number 2025-0319-LLS-R14-DMS, Consolidated Delegation of Authority By-law, and adopt By-law 2025-11, being a By-law Authorizing the Delegation of Powers, and Duties by the Council of the Corporation of the County of Essex, to certain Members of Administration.

Approvals

Respectfully Submitted,

David Sundin

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

Concurred With,

Sandra Zwiers

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

Appendix	Title
A	Draft By-law Authorizing the Delegation of Authority, Powers, and Duties by the Council of the Corporation of the County of Essex to Certain Members of Administration