



The Corporation of the County of Essex

By-Law Number 2025-11

A 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.

Whereas Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "***Municipal Act***"), provides, in part, that the powers of a municipality under the *Municipal Act* shall be interpreted to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipalities ability to respond to municipal issues; and

Whereas Section 23.1 (1) of the *Municipal Act* authorizes a municipality to delegate its powers and duties, to a person or body, subject to certain restrictions set out in the *Municipal Act*; and

Whereas Essex County Council has historically deemed that the delegation of certain administrative and legislative powers would contribute to the efficient management of the County while still adhering to the principles of accountability and transparency, and with such historical delegation of administrative and legislative powers being outlined in **Schedule "A"** appended to and forming part of this By-law; and

Whereas as outlined Essex County Council has previously delegated authority to Committees and officers and employees of the Corporation of the County of Essex, in a number of areas through By-law and Council Resolution, in accordance with prevailing legislation; and

Whereas Essex County Council considers that it is appropriate to consolidate all existing delegations of authority into one By-law, and to clearly outline such other instances in which authority has been expressly delegated by Council;

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

1.0 Introduction

- 1.1 Essex County Council deems it appropriate and expedient to formalize the delegation of Council's authority to members of Administration, in order to streamline decision-making, while remaining open and transparent regarding how decisions are made at the County.
- 1.2 This By-law may be referred to as the "Delegation of Authority By-law".

2.0 Scope

- 2.1 This Delegation of Authority By-law pertains to the delegation of authority by Council to members of Administration, and how and when that authority can be further delegated.

3.0 Definitions and Interpretation

- 3.1 In this Delegation of Authority By-law, the following terms shall have the following meanings:

"Administration" means the various officers, directors, and/or employees of the County.

"AODA" means the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11, as amended, and includes any applicable and associated Regulation made thereunder.

"CAO" means the person appointed as Chief Administrative Officer by Council, as provided for in the *Municipal Act*.

"Clerk" means the person appointed as Clerk by Council, as provided for in the *Municipal Act*.

"Council" means Council of the County of Essex.

"County" means the Corporation of the County of Essex as a distinct corporate entity, or the geographic area of the County of Essex, and the term may be used interchangeably between the 2 meanings.

"County Solicitor" means the person appointed as County Solicitor by Council and who is the primary representative of the County for legal matters involving the County.

"County Treasurer" means the person appointed as Treasurer by Council, as provided for in the *Municipal Act*.

"Department Head" means the head of a Department of the County, appointed by the CAO from time to time.

"Deputy Warden" means the person elected by Council to the position of Deputy Warden in accordance with the County's Procedure By-law.

"Manager" means an individual appointed as a Manager within a Department of the County from time to time.

"Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and includes any applicable and associated Regulations made thereunder.

"Municipal Conflict of Interest Act" means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, and includes any applicable and associated Regulations made thereunder.

"Senior Leadership Team" means the CAO and Department Heads, and such other persons as the CAO may appoint to serve on the Senior Leadership Team from time to time.

"Warden" means the person elected by Council as Warden to be the Head of Council in accordance with the County's Procedure By-law.

- 3.2 Each Section of this Delegation of Authority By-law and every subsection of each Section is an independent Section and/or subsection, and the holding of any Section and/or subsection and/or part thereof to be void or ineffective for any reason, shall not render any other Section and/or subsection and/or part thereof invalid, with every other unaffected Section and/or subsection and/or part thereof remaining in full force and effect.
- 3.3 Headings in this Delegation of Authority By-law are included for reference purposes only and shall not affect in any way the meaning or interpretation of the provisions of this Delegation of Authority By-law.
- 3.4 The Delegation of Authority By-law includes **Schedule "A"** appended hereto, and the said **Schedule "A"** is hereby declared to form part of this Delegation of Authority By-law.

4.0 General Delegation of Authority

4.1 Resolution of Conflict

- 4.1.1 The CAO is hereby authorized to resolve any conflict or ambiguity regarding the delegation of authority to members of Administration.

4.2 General Delegation of Authority

- 4.2.1 The CAO is authorized to further delegate and to authorize further delegations of any powers, duties, functions, and appointments delegated to the CAO by Council under this Delegation of Authority By-law, or any other by-law or resolution, to any other member of Administration, provided that such delegation is authorized in writing, does not exceed the authority delegated by this Delegation of Authority By-law, and are reported to Council in a timely manner.
- 4.2.2 Any authority delegated to a specific member of Administration in this Delegation of Authority By-law may be further delegated by the authorized person to another appropriate member of Administration, provided that such delegation is authorized in writing, does not exceed the authority delegated by this Delegation of Authority By-law, and are reported to Council in a timely manner.
- 4.2.3 Any and all sub-delegations of authority referenced in Sections 4.2.1 and 4.2.2 above, must be provided in writing to the Clerk prior to the sub-delegated authority being exercised.
- 4.2.4 Delegations and sub-delegations of authority remain in place until revoked or amended.
- 4.2.5 Council, as the delegating agent, may impose such terms and conditions on the delegation of authority, as it deems fitting and appropriate, and includes the ability of Council to vary or rescind the delegation of authority at any time.
- 4.2.6 Any authority that is delegated to a specific position/title within Administration, shall only be exercised by the person holding that position/title, but which authority may be exercised by an interim holder of that position/title.

4.3 Validity of Actions Taken

4.3.1 Should Council vary or rescind any delegation of authority, or should the CAO or appropriate member of Administration vary or rescind any sub-delegation of authority, such variation or rescission shall have no effect on the validity of any action taken pursuant to a valid delegation of authority that was taken prior to such delegation or sub-delegation of authority being varied or rescinded.

4.4 Recruitment and Promotion

4.4.1 The CAO and Department Heads, and the Managers within each of the Departments, are individually authorized to recruit and employ staff for positions approved by Council, and for temporary positions as may be required from time to time.

4.4.2 Notwithstanding the foregoing, the delegation of authority contained in Section 4.4.1 above does not delegate authority with respect to those positions enumerated in Part VI.1 of the *Municipal Act* and Ontario Regulation 530/22.

4.5 Dismissal

4.5.1 The CAO, Department Heads, and the Managers within each of the Departments, are individually authorized to dismiss or discipline all employees under their authority.

4.5.2 Notwithstanding the foregoing, no employee may be dismissed without the express authorization of the CAO, or the CAO's delegate.

4.5.3 Notwithstanding the foregoing, the delegation of authority contained in Section 4.5.1 above does not delegate authority with respect to those positions enumerated in Part VI.1 of the *Municipal Act* and Ontario Regulation 530/22.

4.6 Procurement and Signing Authority

4.6.1 The Warden, Clerk, CAO, and Department Heads have the signing authority as provided for in the County's Procurement Policy, as approved by Council, and as amended by Council from time to time.

4.6.2 The Warden, Clerk, CAO, and Department Heads may execute such documents as are necessary to bind the County provided that the execution is related to:

4.6.2.1 the purchase of services, goods, and/or equipment, the cost for which has been approved by Council in the Budget and complies with the County's Procurement Policy, as approved by Council, and as amended by Council from time to time; and

4.6.2.2 matters of nominal value (less than \$10,000) that the CAO or Department Head, as the case may be, deems appropriate for the County to enter into, and for which there are funds available in the Budget.

4.7 Delegations Contained in Schedule A

4.7.1 In addition to the delegations of authority set out above, the delegations of authority previously provided by Council continue to be in full force and effect, and a list of which is provided for in **Schedule "A"** appended to this Delegation of Authority By-law, and which **Schedule "A"** may be amended from time to time.

5.0 Specific Delegation of Authority

5.1 Delegation of Authority to the CAO

5.1.1 The CAO is the senior member of Administration of the County, provides organizational leadership to all other members of Administration, and is responsible to Council for the efficient and effective delivery of the services of the County.

5.1.2 The CAO is authorized to appoint an Acting CAO during any absences of the CAO.

5.1.3 The CAO shall:

5.1.3.1 exercise all powers and duties set forth in Section 229 of the *Municipal Act* and shall carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, prescribe;

- 5.1.3.2 oversee the development, implementation, and maintenance of Corporate and Administrative Policies in accordance with the County's established Policy and Procedures Governance Framework as previously approved by Council;
 - 5.1.3.3 annually assess the performance of the individual members of the Senior Leadership Team; and
 - 5.1.3.4 with the assistance of the Director of HR, oversee collective bargaining with all employee groups.
- 5.1.4 The CAO shall have full, free, and unrestricted access to all records, reports, property, and personnel of the County, except in the circumstances in which doing so represents a conflict of interest on the part of the CAO.
- 5.1.5 The CAO shall have the authority to approve, amend, and execute service agreements, contribution agreements, grant agreements, and one-time project-based funding agreements, provided that such agreements are:
 - 5.1.5.1 in accordance with applicable County By-laws, policies, and procedures;
 - 5.1.5.2 related to Council approved departmental programs and objectives;
 - 5.1.5.3 within approved budget limits; and
 - 5.1.5.4 contain appropriate insurance, termination, workplace safety, indemnification, and any other provisions deemed necessary by the County Solicitor.
- 5.1.6 When Council is prohibited from taking action due to the criteria provided for in Section 275 of the *Municipal Act* having been met, the CAO shall have the following authority on the following terms:
 - 5.1.6.1 the authority of Council, both as County Councillors and as members of the Committee of Management of the Sun Parlor Home with respect to

- appointment or removal of any Officer of the County;
- disposition of real property owned by the County; and
- unbudgeted expenditures or liabilities of the County exceeding \$50,000.

for the period between nomination day in a municipal election year and the commencement of the Council being sworn in following the election (the "**Election Period**").

5.1.6.2 the delegation of authority to the CAO during the Election Period is subject to:

- Council passing a resolution in a municipal election year to confirm this delegation of authority is effective during an Election Period; and
- the CAO reporting to Council on any use of the delegated authority during the Election Period at the first regular meeting of the new term of Council, following Council being sworn in.

5.2 **Delegation of Authority to the Clerk**

5.2.1 The Clerk shall exercise all powers and duties set forth in the *Municipal Act* and all other applicable legislation, and shall carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, prescribe.

5.2.2 The Clerk may:

5.2.2.1 amend any Council approved policies, procedures and By-laws, and place any necessary amending By-law on the agenda for Council for enactment, to reflect current Department and Corporate alignment, or to amend **Schedule "A"** of this Delegation of Authority By-law as needed, provided that it does not expand any delegated authority or

incur any monetary amount, beyond what Council has previously approved;

5.2.2.2 amend and approve minor housekeeping, administrative, and technical amendments to Council approved policies and procedures; and

5.2.2.3 correct any clerical, spelling, or minor errors of an administrative nature in By-laws of the County, by placing the appropriate corrected By-law on the next agenda for Council and the public to be made aware of the correction.

5.2.3 The Clerk is authorized to execute the agreements referenced in Section 5.1.5 of this Delegation of Authority By-law above, provided that the necessary approvals of the CAO and the County Solicitor have been obtained.

5.2.4 The Clerk is authorized to execute and file with the designated Provincial authority all accessibility reports and other information required pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, but with the Clerk being required to report to Council regarding same at least once in each calendar year.

5.3 Delegation of Authority to the Treasurer

5.3.1 The Treasurer shall exercise all powers and duties of the Treasurer as set out in the *Municipal Act* and any other applicable legislation and shall carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, prescribe.

5.3.2 The Treasurer is delegated the authority to purchase insurance to protect the County including claims adjusting, insurance brokerage services, and related services provided that the costs are within the budget approved by Council, and the Treasurer reports to Council at least once in each calendar year regarding the insurance coverage purchased to protect the County.

5.4 Delegation of Authority to the County Solicitor

5.4.1 The County Solicitor is authorized to represent the County, to advance the County's interests, and to defend the

County, by taking any step or action that is necessary and proper in respect of any legal proceeding affecting the County, including, but not limited to, arbitrations, mediations, and litigation before any Court, tribunal, or other forum, subject to reporting to Council regarding same, subject to such instruction as may be issued by Council from time to time, and subject to using the most efficient and effective combination of internal and external legal services required for each matter.

- 5.4.2 In exercising the delegation of authority granted above, the County Solicitor shall have the authority to:
- 5.4.2.1 appeal or seek review or reconsideration of any judgment, decision, order, or award in any legal proceeding;
 - 5.4.2.2 authorize the payment of all expenses related to the conduct of any legal proceedings, and the payment of any costs awarded against the County;
 - 5.4.2.3 execute all documents required to conduct any legal proceedings or conclude the settlement of any legal proceeding;
 - 5.4.2.4 take all steps required to enforce orders, decisions, awards, and judgments;
 - 5.4.2.5 approve payment to the County's insurers of any deductible;
 - 5.4.2.6 settle claims and make payments, where the amount does not exceed the limit of the County's self-insured retention, and/or where any settlement and related payment is being made by the County's insurer;
 - 5.4.2.7 retain any external legal counsel required by the County, and to pay the accounts of said external legal counsel, provided that there are sufficient funds available within the affected Department's budget;
 - 5.4.2.8 make applications to convert any lands of the County to absolute title.

- 5.4.3 The exercise of the authority delegated to the County Solicitor outlined above shall be reported to Council at least once per calendar year, and more frequently as required.
- 5.4.4 Where time constraints or other exceptional circumstances do not allow for the required authority-granting procedures to be followed with respect to any legal matter, the County Solicitor, shall have the authority to take the appropriate action, provided that the County Solicitor reports such action immediately to the CAO and to Council at the earliest possible opportunity.

AND WHEREBY the Council of the Corporation of the County of Essex hereby further confirms and enacts as follows:

- 1) **That** Council delegates the powers, duties, and restrictions thereto as set out in this Delegation of Authority By-law and as outlined in **Schedule "A"** appended to this Delegation of Authority By-law, being the Consolidated List of Delegations of Authority, to those members of Council and/or Administration named.
- 2) **That** where this Delegation of Authority By-law has delegated authority to the CAO, if the CAO has in writing designated a Director to serve as Acting CAO in the CAO's absence, the Acting CAO may exercise the delegated authority. Further, where a Director has been appointed by Council or the CAO, as the Acting CAO they hold the same authority, unless explicitly stated otherwise.
- 3) **That** should any position identified in this Delegation of Authority By-law cease to exist at the County, then the CAO may in writing designate another person to assume the delegated authority.
- 4) **That** where the delegated authority authorizes the execution of an agreement, the agreement shall be approved by the County Solicitor prior to its execution.
- 5) **That** all relevant By-laws and resolutions of the County shall apply to the exercise of delegated authority authorized by this Delegation of Authority By-law.
- 6) **That** Council hereby confirms that it is of the opinion that all legislative powers under any legislation delegated to a member of

Administration is minor in nature, within the meaning of Section 23.2 (4) of the *Municipal Act*.

- 7) **That** this By-law 2025-11 shall take precedence over any By-law deemed to be inconsistent with this By-law 2025-11.
- 8) **That** By-law 2025-11 be given three readings, and shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this Nineteenth day of March, 2025.

Hilda MacDonald, Warden

Katherine J. Hebert, Clerk

Clerk's Certificate

I, Katherine J. Hebert, 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 2025-11** passed by the Council of the said Corporation on this **Nineteenth day of March, 2025.**

Katherine J. Hebert, Clerk
Corporation of the County of Essex

Schedule A**Consolidated List of Delegations of Authority**

Delegate	Authority Description	Enacting By-Law or Resolution of Council
Warden	General authority for the exercise of the duties of the Warden as the Head of Council. Section 225 and Section 226.1 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	Procedure By-law 2024-26 Resolution #234-2022 (2022-11-23 Inaugural Meeting of Council)
Deputy Warden	General authority for the exercise of the duties of the Deputy Warden. Section 226 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	Procedure By-law 2024-26 Resolution #237-2022 (2022-11-23 Inaugural Meeting of Council)
CAO	General authority for the exercise of the duties of the CAO. Section 229 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	By-law 2023-26
CAO	Authority to enter into agreements.	By-law 2024-08 or as set out in various By-laws related to specific contracts.

Delegate	Authority Description	Enacting By-Law or Resolution of Council
Clerk	General authority for the exercise of the duties of the Clerk. Section 228(1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	By-law 2024-21
Clerk	Authority for establishing or amending retention periods to the Clerk and to establish a records retention program policy for the COE. Section 255 of the <i>Municipal Act, 2001</i> , S.O, 2001, c. 25	By-law 57-2013
Clerk	Authority to exercise all powers and duties under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> Section 3 and Section 49 of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O 1990, c. M.56	By-law 2024-15

Delegate	Authority Description	Enacting By-Law or Resolution of Council
Clerk and Warden Jointly	Authority to execute all documents necessary to the action taken by this Council.	Each Confirmatory By-law
Clerk and Warden Jointly	Authority to enter into agreements.	By-law 2024-08 or as set out in various By-laws related to specific contracts.
Department Head	Authority to enter into agreements.	By-law 2024-08 or as set out in various By-laws related to specific contracts.
Deputy Clerk	General authority for the exercise of the duties of the Deputy Clerk Section 228(2) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	By-law 2024-50 By-law 2024-56
Treasurer	General authority for the exercise of the duties of the Treasurer. Section 286(1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	By-law 2023-46

Delegate	Authority Description	Enacting By-Law or Resolution of Council
Deputy Treasurer	General authority for the exercise of the duties of the Deputy Treasurer. Section 286(2) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25,	By-law 2022-12 By-law 2024-17
Manager of Planning Services	Authority to establish procedures related to and provide approval of local Official Plan Amendments, plans of subdivision, plans of condominium and part law control by-laws. Section 17.1 and Section 51(5) of the <i>Planning Act</i> , R.S.O. 1990, c. P.13	By-law 43-2005
Chief of Essex-Windsor EMS, or delegate	Authority to execute Special Events Services Agreements with purchasers of Essex-Windsor EMS services.	By-law 48-2014