

## COUNTY OF ELGIN

### By-Law No. 23-44

#### **“BEING A BY-LAW TO DELEGATE AUTHORITY TO OFFICERS AND EMPLOYEES OF THE CORPORATION OF THE COUNTY OF ELGIN”**

WHEREAS Section 2 of the *Municipal Act, 2001*, S.O. 2001, c. 25., (the *Municipal Act*) states that the purpose of municipality is to be a responsible and accountable government with respect to matters within its jurisdiction and each municipality is given powers and duties under the *Municipal Act*, and other Acts of the legislature for the purpose of providing good government with respect to those matters;

AND WHEREAS Section 5(3) of the *Municipal Act* sets out that a municipal power, including a municipality’s capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers and duties subject to certain limitations;

AND WHEREAS section 227(c) of the *Municipal Act* states that it is the role of the officers and employees of the municipality to carry out duties required and assigned by the municipality;

AND WHEREAS section 270(1) of the *Municipal Act* provides that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

AND WHEREAS it is deemed expedient to delegate authority from Council to the officers and employees of the municipality for the purpose of providing responsible, accountable, good and efficient governance of Elgin County;

NOW THEREFORE, the Council of the Corporation of the County of Elgin enacts as follows:

1. This By-Law may be referred to as the “Delegation of Authority By-Law”.
2. Authority is delegated to specified officers and employees to act, subject to limits and restrictions, as described in Schedule “A” attached hereto. Schedule “A” hereto forms part of this By-Law.
3. Subject to section 4, any delegated authority is granted only to the officer or employee holding the corresponding officer or employee position listed under the “Delegation” column in Schedule “A” and includes any officer or employee holding that position on a permanent, temporary or acting basis. In addition, the delegation is also granted to the corresponding officer or employee’s supervisor, and each supervisor above that position in the corporate structure, up to and including the Chief Administrative Officer.
4. Where any delegation of authority to any officer or employee or their supervisor is not permissible at law, such as in an instance where a professional qualification or licence is required to exercise the authority, then the delegation is deemed not granted to that officer or employee or their supervisor but does not affect the delegation of authority to any other officer or employee or their supervisor.
5. The Chief Administrative Officer is authorized to further delegate and to authorize further delegations of any powers, duties, functions, and appointments delegated to the Chief Administrative Officer by Council under this or any other by-law or resolution to any Director of the County, provided such delegations are in writing.
6. Unless the delegation includes specific language to the effect that the delegated authority may be further delegated to a designate, and subject to section 5, no

further delegation of the authorities contained herein is permitted without Council approval, either with respect to the authority and limits of the delegation or the persons to whom the delegation is granted.

7. The Chief Administrative Officer is hereby authorized to resolve any conflict or ambiguity regarding the individual or individuals of the County authorized to exercise any delegation and implement any protocol necessary to give effect to the delegation.
8. Where delegated authority involves the expenditure of funds and/or commitment of resources, the delegated authority must adhere to Elgin County's procurement by-law(s), policies and procedures as may be in force from time to time. Nothing in this by-law shall modify the purchasing authority delegated in such procurement by-law(s), policies and procedures.
9. Officers and employees with delegated authority under this By-Law shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions.
10. If an officer or employee has a conflict of interest related to a delegated authority then the officer or employee must not exercise their delegated authority and must report the conflict of interest to their supervisor as soon as practicable.
11. This By-law does not diminish, restrict or reduce any authority delegated to any officer or employee by any other resolution, By-law, statute, regulation or otherwise provided at law.
12. Signing authority delegated by this By-Law may be signed by written, engraved, printed, lithographed means, which may include any electronic means or measures or otherwise reproduced signatures provided that electronic signatures are affixed in compliance with County policies as may be in force from time to time.
13. Each section this By-Law, including its Schedule(s), is an independent section or part of a section, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect the validity of any other sections or parts thereof.
14. Nothing in this By-Law shall be deemed, understood or interpreted to delegate or attempt to delegate any of the powers that a Council is restricted, in whole in part, from delegating pursuant to sections 23.2 and 23.3 of the *Municipal Act*.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED ON THIS 28<sup>th</sup> DAY of NOVEMBER, 2023.

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Don Shropshire,  
Chief Administrative Officer/Clerk.

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Ed Ketchabaw,  
Warden.

SCHEDULE “A”

A. ALL DEPARTMENTS

	Description and Limitations	Delegation
1	Signing of agreements associated with the purchase of goods or services, subject to the Procurement By-Law, approved budget, and review by Legal Services.	Director (upon concurrence of Manager of Procurement) – not exceeding \$250,000 (RFQ/RFP/RFT);  Director (upon concurrence of Manager of Procurement) – not exceeding \$50,000 (sole source or single source);  Aligns with Procurement By-Law;
2	Signing of contracts which relate to renewals or amending agreements where the original agreement was approved by Council. The contract must be reviewed by Legal Services and have a value that does not vary more than \$50,000 per year compared to the original agreement and be for a term less than four years.	Director and CAO/Clerk
3	Applying for grants and submitting resulting reports, and required funding applications. Where such documents create an obligation on the County, then there must be a review by Legal Services and the Chief Administrative Officer. If there is an ongoing financial impact to the County, then there must be a review by the finance department.	Director, Director of Finance and CAO/Clerk
4	Service Agreements with public sector organizations or between internal County entities.	CAO/Clerk
5	Approve purchasing documents pursuant to the procurement by-law	All Directors
6	Authority to enter into agreements and make necessary reports for student funding programs	Director, must consult with Director of Human Resources

## B. ADMINISTRATIVE SERVICES

	Description and Limitations	Delegation
1	Approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the <i>Municipal Act</i>	CAO/Clerk
2	Closing Roads in the event of an emergency	CAO/Clerk and Director of Engineering
3	Settling legal disputes of a non-litigation nature, including contract disputes, signing minutes of settlement or giving instructions to the Director of Legal Services to execute minutes of settlement, upon receiving recommendations from legal counsel and consulting with any affected Director	Director of Legal Services and affected Director of Department or CAO/Clerk, jointly – up to budgeted project amount
4	Authorizing use of County logos / trademarks	CAO / Clerk
5	Accepting and signing retainer agreements for legal services provided under an authorized shared services agreement or on a limited, file-specific basis to other public entities with regard to prosecutions	Prosecutor, Director of Legal Services
6	Executing and filing any documents necessary for a legal proceeding including but not limited to, issuing and signing pleadings, accepting service of legal claims, retaining external counsel provided that the funds for external counsel is available within an existing approved budget	CAO / Clerk and/or Director of Legal Services
7	Providing instructions to legal counsel	CAO / Clerk and/or Director of Legal Services (where legal counsel is external)
8	Signing of easement agreements at nominal cost to the County or as approved by Council	Solicitor or Director of Engineering having consulted with a Solicitor
9	Objecting or consenting to land title applications for absolute title where the County is adjacent landowner.	Solicitor
10	Signing of transfers and acknowledgment and directions for transfer of County property as approved by Council, required by the County under an Act (such as the Planning Act).	Solicitor and/or Director of Engineering having consulted with a Solicitor
11	Litigation at any Court, Commission, Tribunal, Board, Hearing or Arbitration, subject to the authority of insurance companies pursuant to insurance policies	<p>Authority delegated to the Director of Legal Services to defend, commence, manage, negotiate and resolve any matter against or by the County, Local Boards or Committees.</p> <p>Financial authority to settle:</p> <ul style="list-style-type: none"> <li>• Solicitor up to \$35,000 (the jurisdiction of the small claims court)</li> <li>• Director of Legal Services and CAO/Clerk jointly: up to \$100,000, provided</li> </ul>

		<p>such amount is within the approved budget</p> <ul style="list-style-type: none"> <li>• Council, over \$100,000</li> </ul>
12	Authority to carry out the functions of designated Head pursuant to <i>MFIPPA</i> for freedom of information access requests and protection of privacy	CAO/Clerk, may be delegated by CAO/Clerk to Manager of Legislative Services or the Director of Community and Cultural Services or any Deputy Clerk
13	Authority to make minor corrections to By-laws. Limited to non-material matters (e.g. paragraph numbering, spelling) and subject to consultation with the Director of Legal Services and CAO/Clerk	Deputy Clerk
14	Authority to participate in consultations by any level of government and provide feedback on behalf of the County in accordance with the County's existing policies, frameworks, plans and/or priorities	CAO/Clerk
15	Respond to media inquiries	Corporate Communications and Engagement Coordinator or Director as delegated by the CAO / Clerk

**C. ENGINEERING SERVICES**

	Description and Limitations	Delegation
1	Approve and sign road permits including but not limited to new entrance permits, temporary access permits, culvert installations, road occupancy permits, oversize or overweight permits;	Director of Engineering, may be delegated in writing by Director of Engineering within Engineering Services;
2	Approve and sign licence agreements and agreements permitting permanent installation of approved utilities on County property;	Director of Engineering or designate;
3	Authority to close roads in non-emergency situations	Director of Engineering or designate for special events; Director of Engineering for improvements, repair, demolition or any other construction purposes or otherwise;
4	Authorize temporary speed reductions and approve appropriate signage for same	Director of Engineering or designate;
5	Approve and execute encroachment agreements on municipal land;	Director of Engineering, for existing encroachments and where the encroachment has no impact on current or future use of right-of-way(s)
6	Acquire land for road widening purposes	Director of Engineering, to a limit of \$50,000.00 for the purchase of land and any cost must be part of an approved budget
7	Designate truck routes and half-load roads	Director of Engineering or designate;

8	Communicate conditions that should be opposed on behalf of the County to any planning authority	Manager of Transportation
9	Approve and sign service agreements with Hydro One or other utility provider to provide electricity to new infrastructure	Manager of Transportation, provided the cost of the service is in an approved budget
10	Manage renovation, repair or other construction projects in County facilities and approve and sign all documents for that purpose within approved budget	Manager of Corporate Facilities

**D. FINANCE**

	Description and Limitations	Delegation
1	Open, maintain and close bank accounts as required for municipal purposes	Manager of Finance
2	Issue and sign cheques, make payments and transfer funds for municipal purposes. Limited to items approved in annual budget or as otherwise approved by Council	Manager of Finance
3	Enter into agreements for services with accountants or auditors for municipal purposes	Director of Finance
4	Require an accounting of funds from any employee or officer of the County including members of Council	Any two of the CAO / Clerk, Director of Finance, Director of Human Resources and the Director of Legal Services, Council must be informed as soon as practicable
5	Issue and sign donation receipts	Director of Finance
6	Apply for provincial and federal grants	Director and Manager of Finance
7	Issue/post for bidding RFP/RFT/Procurement documents on behalf of the County	Manager of Procurement
8	Authority to auction or sell County chattel property in accordance with County life-cycle and other asset management policies	Manager of Procurement

**E. INFORMATION TECHNOLOGY**

	Description and Limitations	Delegation
1	Approve and sign minor amendments to Information Technology Services agreements, including the purchase of routine services and equipment, resulting from changing business needs and employee staffing changes	Director of IT
2	Approve and sign Data Use Agreement	Director of IT, requires consultation with Director of Legal Services
3	Sign website and software Terms of Use and Licence Agreements provided they are within budget and standard Terms of Service	Director of IT, must consult with Manager of Procurement and Director of Legal Services on whether criteria is met

4	Authorize an audit of information technology resources, including e-mail accounts and including forensic audits	Any two of the Director of IT, Director of Human Resources, the CAO/Clerk and the Director of Legal Services, Council must be informed as soon as practicable
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**F. COMMUNITY AND CULTURAL SERVICES**

	Description and Limitations	Delegation
1	Authorize use of library facilities by community organizations	Library Branch Supervisors
2	Enter into program or performer agreements	Library Branch Supervisors
3	Authority to perform the functions of the CEO of a Public Library Board as set out in the <i>Public Library Board Act</i> , including representing Elgin County in associations, committees or other industry organizations related to library services	Director of Community and Cultural Services
4	Approve, sign and submit all documents and reports necessary for the public libraries operating grant	Director of Community and Cultural Services
5	Sign for receipt of artifacts, pieces, art, archival records or other objects for display as part of a museum, archives or library program	Museum Curator, archives staff, for items of estimated value, inclusive of ongoing maintenance cost(s), of less than \$25,000 and there is no increase to annual approved budget;  Museum Curator and Director of Finance together, if estimated value is more than \$25,000, inclusive of maintenance cost or results in increase to annual approved budget
6	Authority to temporarily close library, museum and archive facilities due to inclement weather, power disruptions or staffing issues;	Director of Community and Cultural Services, must consult with CAO/Clerk
7	Authority to accept donations and issue tax receipts under the County Library's status	Museum Curator, archives staff, for items of estimated value, inclusive of ongoing maintenance cost(s), of less than \$25,000 and there is no increase to annual approved budget;  Museum Curator and Director of Finance together, if estimated value is more than \$25,000, inclusive of maintenance cost or results in increase to annual approved budget
8	Authority and responsibility to retain and destroy records in conformance with the County's records retention policies	All archives staff
9	Authority to sign and submit reports related to the annual community museums operating grant	Museum Curator

**G. HOMES AND SENIOR SERVICES**

	Description and Limitations	Delegation
1	Approve and sign agreements, including grants, with the Province of Ontario or other funding agencies to <u>receive</u> funds related to the provision of Long-Term Care	Director of Homes and Senior Services, must consult with legal services and finance department
2	Approve and Sign resident admission documentation	Administrators
3	Approve and sign routine agreements with resident service providers	Director of Homes and Senior Services
4	Submitting routine or legislatively required reporting documents to the Province of Ontario or any of its ministries	Administrators
5	Create, approve and implement new programming for residents and seniors that does not create new obligations for the County and is within an approved budget	Director of Homes and Senior Services
6	Represent Elgin County in associations, committees or other industry organizations related to the provision of Long-Term Care Homes	Director of Homes and Senior Services
7	Approve, sign and implement policies, procedures and medical directives specific to Elgin County's Long-Term Care Homes including those required by legislation, regulation or for funding agreement purposes	Director of Homes and Senior Services

**H. HUMAN RESOURCES**

	Description and Limitations	Delegation
1	Approve and sign agreements with educational or training institutions for student or training placements	Director of Human Resources and affected Director of Department, jointly
2	Approve and sign routine human resources documentation including but not limited to performance management letters, disciplinary letters, hiring letters, termination letters;	Director of Human Resources
3	Approve waiver of probationary period(s)	Director of Human Resources and CAO/Clerk, jointly
4	Administration of benefits including: health, dental, STD, LTD, WSIB and OMERS	Director of Human Recourses, in consultation with the Director of Finance
5	Authority over all claims management documentation and Return to Work and Accommodation documentation	Manager of Human Resources
6	Authority to appeal any WSIB decision	Manager of Human Resources
7	Signing Minutes of Settlement in labour relations disputes including grievances and matters referred to arbitration	Authority to manage and settle where there is no financial implication – Manager of Human Resources and member of Management Team, jointly;  Authority to settle where there are financial implications:



		Director of Human Resources and Director of affected department, \$50,000.00, on recommendation of the Director of Legal Services
8	Authority to approve payment for employment severances where specific amount not stipulated by contract	Authority to manage and settle claims up to \$50,000.00 – Director of Human Resources and CAO/Clerk, acting jointly;
9	Authority to litigate, manage and settle complaints by employees to the Human Rights Commission or Human Rights Tribunal.	Must consult with Director of Legal Services. Authority to settle claims up to \$50,000.000 – Director of Human Resources and CAO/Clerk, acting jointly, must be within approved budget
10	Authority to approve Job Descriptions	Director of Human Resources and Director of affected department, acting jointly, unless the job description is for a member of SLT, in which event the authority is delegated to the Director of Human Resources and the CAO/Clerk, acting jointly
11	Authority to access employee IT Files	CAO/Clerk, except legal services shared services files  Director of Human Resources (including at the request of any other Director), except legal services shared services files and CAO/Clerk must be notified;