

COUNTY OF ELGIN

By-Law No. 26-??

“BEING A BY-LAW TO DELEGATE AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICER TO ACT IN THE EVENT THAT THE COUNCIL’S ACTIONS BECOME RESTRICTED UNDER SECTION 275 OF THE MUNICIPAL ACT, 2001.”

WHEREAS Section 5(3) of the Municipal Act, 2001, c. 25, as amended, authorizes a municipality to pass by-laws to exercise its municipal powers;

AND WHEREAS Sections 224(d) and 224(e) of the Municipal Act, 2001, c. 25, as amended, provide that it is the role of council to ensure that administrative practices and procedures are in place to implement the decisions of council and to maintain the financial integrity of the municipality;

AND WHEREAS Section 275(1) of the Municipal Act, 2001, c. 25 as amended, restricts the actions of a council of a local municipality after the first day during the election period that the new council will include less than three-quarters of the members of the outgoing council;

AND WHEREAS Section 275(3) of the Municipal Act, 2001, c.25, restricts Council from taking action on the following:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- d) Making any expenditure or incurring any other liability which exceeds \$50,000.

AND WHEREAS Section 275(6) of the Municipal Act, 2001, as amended, authorizes councils to delegate authority to persons prior to nomination day for the election of a new council;

AND WHEREAS the Council of the Corporation of the County of Elgin deems it expedient to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the restricted period;

NOW THEREFORE the Corporation of the County of Elgin HEREBY ENACTS AS FOLLOWS:

1. THAT, in the event that the Council's actions become restricted under Section 275 of the Municipal Act, 2001, the Council of the County of Elgin enacts as follows:
 - (a) Where a joint delegation of authority is specified to be exercised, in the absence of consensus, the delegation of authority rests with the Chief Administrative Officer (“CAO”);
 - (b) All authorities in this By-law may be further designated in writing and are conveyed automatically to those performing the duties of a position in an Acting or interim capacity;
 - (c) The CAO is delegated the authority to remove any employee or officer of the County;
 - (d) The CAO is delegated the authority to hire any employee or officer of the County, other than statutory officers of the County, with this delegation of authority being conditional on not exceeding the previously allotted complement of staff positions;
 - (e) The CAO is delegated the authority to appoint any Acting officer of the municipality in the event of a departure or vacancy of such statutory officer;
 - (f) The CAO and Treasurer are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding \$50,000;
 - (g) The CAO is delegated authority for those actions identified in By-Law No. 20-07, being the “Purchasing By-Law” that would otherwise be performed by Council, (i) if an expenditure is being made or any other liability being incurred which exceeds \$50,000 and was not included in the most recent budget adopted, or, (ii) an expenditure or liability which exceeds \$50,000 is included in the most recent budget adopted by Council and is required to exceed the budgeted amount, or, (iii) if a single source or sole source expenditure is being incurred which exceeds \$50,000.
 - (h) The CAO and Clerk are jointly delegated the authority to give effect to a disposition of real or personal property of the County and to execute any Agreement of Purchase and Sale or other document pertaining to the disposition or interest in any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;

- (i) The CAO and Clerk are jointly appointed signing authority for all agreements authorized by section 1(h); and,
- (j) All use of delegated authorities enacted by this By-law shall be reported on to Council with details relevant to the exercise of the delegated authority to Council no later than March 31, 2027.

2. THAT this By-law shall come into force and take effect on the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14th DAY OF APRIL 2026.

Blaine Parkin,
Chief Administrative Officer/Clerk.

Dominique Giguère,
Warden.