



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Lawlor and Members of Council

FROM: Valerie Petryniak, Town Clerk & Director of Legislative Services

DATE: April 19, 2023

REPORT NO.: ADMIN-2023-015

SUBJECT: Amendments to the Delegated Authority to Senior Management
By-law No. 2022-0027

RECOMMENDATION:

THAT Report No. ADMIN-2023-015 dated April 19, 2023 regarding Amendments to the Delegated Authority to Senior Management By-law No. 2022-0027 be received;

AND FURTHER THAT Council approve the proposed amendments as outlined in Report ADMIN-2023-015;

AND FURTHER THAT Council repeal By-law No. 2022-0027 in its entirety and replace with a new Delegated Authority By-law attached to this report as Appendix A.

KEY POINTS:

The following are key points for consideration with respect to this report:

- In May 2022, Council approved and enacted By-law 2022-0027, a by-law to delegate certain authorities that are minor in nature to Senior Management staff.
- Since that time, a change to the corporate organizational structure resulted in the creation of a new department; Business, Environment & Culture.
- The Commissioner of the newly formed department also required delegated authority relating to his staff.
- Further amendments were required to clarify which agreements the CAO and all Commissioners have the authority to approve.

BACKGROUND AND DISCUSSION:

The Municipal Act, 2001, S.O. 2001 as amended, authorizes a municipality to delegate its power and duties under the Act to a person or body subject to restrictions as set out in the Act. In May of 2022, Council enacted By-law 2022-0027, entrusting certain powers and duties to Senior Management staff. This has enabled staff to maintain efficient management of the Town and to help respond to issues in a timely manner.

The by-law allows senior management to approve the execution of documents by the Mayor and Clerk for items that have already received Council approval through the budget process. This alleviates the need for staff to bring a report to Council requesting authorization on an item that Council has already approved.

Report No. ADMIN-2022-0019 dated April 13, 2022 and attached as Appendix B, outlines the various authorities that Council originally designated to senior staff. The attached draft by-law (Appendix A) includes the following suggested changes:

1. Business, Environment & Culture (BEC)

The divisions representing this department (Economic Development, Climate Change etc.) were previously under the leadership of the CAO. These divisions now fall under the leadership of the Commissioner of Business, Environment and Culture. This resulted in a new section of the delegated authority by-law being created to reflect the delegated authority transferred from the CAO to the Commissioner of BEC and are as follows:

THAT the following power and duties are hereby granted to the Commissioner of Business, Environment and Culture or their designate:

- 4a Authority to approve the execution by the Mayor and Clerk of Community Improvement Plan (CIP) agreements, including any amendments or termination of such agreements, if the CIP grant is funded through a current or previous year's budget which has been approved by Council.
- 4b Authority to approve the execution by the Mayor and Clerk of agreements for the Nurse Practitioner Program for the Acton Medical & Urgent Care Clinic, including any amendments or termination of such agreements, when the funding has been approved by Council through a current budget year's budget.

The following sections were also added to give the Commissioner of BEC similar delegated authority as the rest of the Commissioners and appears as follows:

Authority to approve the execution by the Mayor and Clerk the following agreements except where a financial commitment from the Town is required in addition to what was previously approved by Council through the current year's budget:

- i. Licence Agreements, including any amendments or termination of such agreements;
- ii. Service Agreements, including any amendments or termination of such agreements;
- iii. Funding requests through the Climate Change Investment Fund where the requests fall within the Fund's eligibility requirements.
- iv. Municipal Partner Agreements, including any amendments or termination of such agreements.

4.1 THAT the Commissioner of Business, Environment and Culture be authorized to approve the following matters without the submission of a staff report to Council:

- a) Authority to approve the award of Request of Proposals and Request for Tenders subject to and following the guidelines as set in the Town's Purchasing Policy By-law 2022-0033, when the project has been funded through a current or previous year's budget which has been approved by Council;
- b) Authority to approve the execution by the Mayor and Clerk of Purchasing Agreements, including any amendments or termination of such agreements, subject to 4.1(a).

4.2 THAT the Commissioner of Business, Environment and Culture be authorized to bring by-laws on the following matters to Council for approval without the submission of a staff report.

- a) Retrofit Halton Hills Program

2. **Chief Administrative Officer**

The delegated authorities for the CAO were amended by removing the sections that now pertain to the Commissioner of Business, Environment and Culture, and by adding the following:

- a) Authority to approve additional funds to an approved Purchase Order to a maximum limit of \$150,000 in one of the two exceptional circumstances:
 - i. the request is needed to immediately procure an item before a price increase or timeline to order is met
 - ii. there is not sufficient time to request the increase from Council (ie. next meeting date is after the said timeline)
- b) Authority to approve an increase to the capital budget if the approval of the purchase order in 2.b results in a budget deficit.

- c) Authority to approve a funding source from reserves if the approval of the increased budget cannot be funded from surplus funds in an existing council approved budget (subject to consultation with the Treasurer)

A summary of all funding withdrawn from reserves and authorized by the CAO under this delegated authority will be reported to Council on an annual basis as part of the year end financial reporting.

3. Recreation and Parks

A new section was added to grant authority to the Commissioner of Recreation and Park the:

- a) Authority to provide temporary discount rates for un-used ice times, field permits and other recreation and parks fees.

4. All other Departments

To clarify the different types of agreements all departments may have in place, the by-law was amended to give more clarity to the types of agreements Commissioners would have the authority to approve the execution of by adding:

- a) Authority to approve the execution by the Mayor and Clerk the following agreements except where a financial commitment from the Town is required in addition to what was previously approved by Council through the current years' budget:
 - i. Licence Agreements, including any amendments or termination of such agreements;
 - ii. Service Agreements, including any amendments or termination of such agreements;
 - iii. Municipal Partner Agreements, including any amendments or termination of such agreements.

Other housekeeping amendments that stemmed from these proposed changes include the renumbering of all sections in the by-law. In order to provide a clear and concise document, the original By-law 2022-0027 will be repealed in its entirety and replaced with the new By-law attached as Appendix A.

STRATEGIC PLAN ALIGNMENT:

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

The CAO and Commissioners from each department were consulted on the recommended changes to the by-law.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Chris Mills, Chief Administrative Officer