



REPORT

TO: Mayor Lawlor and Members of Council

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

DATE: November 21, 2024

REPORT NO.: ADMIN-2024-019

SUBJECT: By-law amendments – Delegated Authority for Senior Management

RECOMMENDATION:

THAT Report No. ADMIN-2024-019 dated November 21, 2024 regarding By-law Amendments – Delegated Authority for Senior Management be received;

AND FURTHER THAT Council approve the amendments to the By-law as listed in Report No. ADMIN-2024-019;

AND FURTHER THAT Council approve the new Delegated Authority By-law attached as Appendix A and repeal By-law No. 2023-0048 in its entirety.

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.
- In May 2023, Council repealed and replaced the by-law due to changes to the corporate organization structure which resulted in the creation of the Business, Environment & Culture Department
- In May of 2024 further corporate organization restructuring occurred which resulted in the creation of the Community Services Department
- Further amendments are required to acknowledge the new department as well as additional authority for Commissioners to approve the execution of certain recurring agreements.

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 approval through the budget process. This alleviates the need for staff to bring a report to Council requesting authorization on an item that has already approved.

In early 2023, changes to the corporate organizational structure resulted in the creation of a new department, Business, Environment & Culture. As a result of this, By-law 2022-0027 needed amending to acknowledge delegated authority to the Commissioner of this newly created department. To maintain readability and accommodate the numerous required changes, the By-law was completely repealed and replaced with By-law 2023-0046.

May of 2023 saw further changes to the organizational structure which resulted in two departments Business, Environment and Culture and Recreation and Parks being combined into a new Community Services Department. In order to have the Delegated Authority By-law reflect the correct authority for the new Commissioner of Community Services, amendments are required in the by-law. Staff took the opportunity to include other amendments to delegated authority for matters that have arisen throughout the year.

The attached draft by-law (Appendix A) includes the following suggested changes:

Town Clerk

Under Section 1 “THAT the following power and duties are hereby delegated to the Town Clerk or their designate”, the addition of:

- a) Execute agreements and other documents related to the general control and management of the affairs of the Town for the purpose of ensuring its efficient and effective operation.

The addition of this clause captures any other agreements or documents that are not specifically listed in the by-law and would require the signature of the Clerk to bind the corporation.

Chief Administrative Officer

Under Section 2 “THAT the following powers and duties are hereby delegated to the Chief Administrative Officer of their designate” the addition of:

- a) Execute agreements and other documents related to the general control and management of the affairs of the Town for the purpose of ensuring its efficient and effective operation in the exercise of authority under section 229 of the Act.

The addition of this clause allows the CAO to execute agreements in the absence of the Clerk, or for documents that are usually counter-signed by other Regional CAO's.

Community Services

Section 4 (Business, Environment and Culture) of By-law 2023-0046 was amalgamated with Section 6 (Recreation & Parks) to create a new Section 5 called Community Services.

Transportation and Public Works

Section 7.c was amended to add:

- v. Site Alteration Agreements, including any amendments or termination of such agreements.

Section 8.1.a was amended to all for approval of changes to additional Schedules in the Uniform Traffic Control by-law without the submission of a staff report. This includes the addition of:

- Schedule 4 – Angle Parking-Signs on Display
- Schedule 5 – Boulevard Parking - Prohibitive Signs on Display
- Schedule 8 – Loading Zones – Signs on Display
- Schedule 9 – Designated Accessible Person Parking spaces – Signs on Display
- Schedule 10- Overnight Parking
- Schedule 14- Through Highways - Yield
- Schedule 15- Intersections – Yield Signs
- Schedule 16 – U-Turns – Signs on Display
- Schedule 17 – Do Not Enter – Signs on Display
- Schedule 18- Prohibited Turns – Signs on Display
- Schedule 20- One Way Streets – Signs on Display
- Schedule 21- Centre Lane Turns – Signs on Display
- Schedule 22a – Designated Turn Lanes – Signs on Display
- Schedule 24 – Reduced Loads on Highways – Signs on Display
- Schedule 25 – Truck Route
- Schedule 26 – Heavy Truck Prohibited – Signs on Display
- Schedule 27 – School Bus Loading Zones – Signs on Display
- Schedule 28- Pedestrian Crossovers – Signs on Display
- Schedule 29- Community Safety Zones – Signs on Display
- Schedule 30- Parking for Commercial Motor Vehicles – Permissive signs on Display

Section 7.3 was added which allows the Commissioner of Transportation and Public Works the authority to temporarily close a road beyond the 30 days noted in By-law 2023-0094 to read:

THAT the Commissioner of Transportation and Public Works be authorized to close a road temporarily for construction, maintenance or for emergency purposes for a period beyond 30 days as deemed necessary and which supersedes By-law 2023-0094 as amended.

Section 7.4 was added which gives the Commissioner of Transportation and Public Works the authority to appoint “Inspectors” for the purpose of administering the Site Alteration By-law to read:

THAT the Commissioner of Transportation and Public Works be authorized to appoint “Inspectors” for the purpose of administering the Site Alteration By-law.

Other Amendments

Each Commissioner has the authority to approve the execution of agreements by the Mayor and Clerk except where a financial commitment from the Town is required in addition to what was previously approved through the current year’s budget for agreements such as Licence Agreements, Service Agreements and Municipal Partner Agreements.

The addition of Data Acquisition Agreements, including any amendments of termination of such agreements was added to each respective Commissioner’s authority.

Statements through the by-law which read “approved by Council through the current year’s budget” were amended to read “approved through the current year’s budget”; as the budget process is now through the Mayor’s Budget process as regulated through the Municipal Act.

Staff will continue to be mindful of all matters involving delegated authority and will continue to bring any significant matter to Council for approval.

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, Commissioners and other senior management staff were consulted in the drafting of the proposed amendments 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