

THE CORPORATION OF
THE TOWNSHIP OF HORNEPAYNE
By-Law No. 1783

**Being a By-Law to Delegate Authority
Regarding Certain Matters to Staff**

WHEREAS Section 23.1 (1) of the Municipal Act, 2011, S.O. 2001, c. 25, as amended, authorizes a municipality to delegate its powers and duties to a person or body subject to certain restrictions; and,

WHEREAS the Council of the Corporation of the Township of Hornepayne has recognized the need to delegate authority to staff and has identified certain routine administrative functions to improve daily operational efficiencies, ensure the continuity of business, and expedite service delivery;

Now Therefore Be It Resolved that the Council of the Corporation of the Township of Hornepayne enacts as follows:

1. **THAT** the delegation of powers and duties as set out in Schedule "A" attached hereto and forming part of this By-Law is hereby approved; and,
2. **THAT** this By-Law may be referred to as the "Delegation of Authority By-Law"; and,
3. **THAT** notwithstanding the provision of this By-Law, matters identified herein may be referred to Council for consideration; and,
4. **THAT** the Mayor and CAO/Clerk are hereby authorized to sign and affix the corporate seal for, and on behalf, of the Corporation to any and all documents necessary to give force and effect to this By-Law.

This By-Law shall come into force and effect upon passage.

By-Law No. 1088 is hereby repealed.

Read a first and second time this 4th day of March, 2020.

Read a third time and finally passed this 4th day of March, 2020.



Presiding Officer



Clerk

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Delegation of Authority
Policy

1.0 POLICY STATEMENT

- 1.1 The Corporation of the Township of Hornepayne, as an elected Municipal government, is directly accountable to its constituents for its legislative decision making, policies and administrative actions. Council's decisions are generally expressed by By-Law or Resolution of Council carried by a majority vote. They support the Municipality and its operations while ensuring that of the public and the Municipality's well-being and interests are maintained.
- 1.2 The efficient management of the Township of Hornepayne and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative actions.

2.0 PURPOSE

- 2.1 Section 270 (1) subsection 6 of the Municipal Act, 2001, requires that a Municipality shall adopt and maintain policies with respect to the following matters, including: "The delegation of its powers and duties". 2006, c. 32, Sch. A, s. 113, part.
- 2.2 The purpose of this Policy is to set out the scope of the powers and duties by which Council may delegate its legislative and administrative authority and establish principles governing such delegation.

3.0 APPLICATION

- 3.1 This Policy shall apply to the Township Staff with respect to the carrying out of delegated powers and duties of Council as described in the Municipal Act, 2001, so as to increase the accountability and transparency of the municipal decision-making process, to increase efficiencies and expedite service delivery, thereby ensuring responsible, good government.
- 3.2 The powers and duties delegated by Council are not considered to be legislative or quasi-judicial and are considered to be minor in nature.

- 3.3 The persons to whom Council has delegated certain powers and duties are all officers, employees or agents of the Township.
- 3.4 Council retains the right to hear any appeal concerning any delegated approval decision and at such time shall uphold, dismiss, or modify the delegated approval decision as determined by a Council vote.
- 3.5 This policy shall be reviewed one (1) year from the effective date and every five (5) years thereafter and/or at the discretion of the CAO.

4.0 DEFINITIONS

- 4.1 **Administrative Powers** shall mean all matters required for the management of the Corporation which do not involve discretionary decision making.
- 4.2 **Accountability** shall mean the standard to which Council, Staff, Committees and Local Boards are held accountable for their actions.
- 4.3 **Agent** is a person who has been legally empowered to act on behalf of another person or an entity. An agent may be employed to represent a client in negotiations and other dealings with third parties
- 4.4 **Chief Administrative Officer (CAO)** is the Chief Administrative Officer for The Corporation of the Township of Hornepayne, which includes the roles and responsibilities as established under Section 229 of the Municipal Act, 2001.
- 4.5 **Chief Building Official** shall mean the person appointed as the Chief Building Official of the Township with the meaning of the Building Code Act, S.O. 1992, c. 23 as amended.
- 4.6 **Clerk** is the Municipal Clerk for the Corporation of the Township of Hornepayne, which includes the roles and responsibilities as established under Section 228 of the Municipal Act, 2001.
- 4.7 **Council** refers to the current elected Council for The Corporation of the Township of Hornepayne. This includes, as the whole, the Mayor, and Councillors.

- 4.8 **Delegation** shall mean the transfer of approval authority of certain powers and duties from Council to designated Township officer, employee or agent positions under certain terms and conditions as identified by Policy.
- 4.9 **Deputy Clerk** is the person appointed as the Deputy Clerk for The Corporation of the Township of Hornepayne, which includes the roles and responsibilities as established under Section 228 of the Municipal Act, 2001 and who has the same powers and authority of the Clerk.
- 4.10 **Deputy Fire Chief** is the person appointed by Council as the Deputy Fire Chief for the Corporation of the Township of Hornepayne and who has the same powers and authority as the Fire Chief.
- 4.11 **Deputy Treasurer** is the person appointed as the Deputy Treasurer for the Corporation of the Township of Hornepayne, which includes the roles and responsibilities as established under Section 286 of the Municipal Act and who has the same powers and authority as the Treasurer.
- 4.12 **Emergency** for the purpose of this policy shall mean operational situation or condition other than a declared emergency which, in the opinion of the Chief Administrative Officer, could affect the health and safety of the public, impact the welfare of public or private property or Town infrastructure, or seriously impact service delivery and where among other things the restoration of essential services to a minimum acceptable level is deemed warranted by the CAO.
- 4.13 **Employee** is any employee of the Township of Hornepayne who is not an elected official or municipal officer. Municipal employee means any individual employed by a municipal employer other than an independent contractor, supervisor, or confidential, managerial or executive employee.
- 4.14 **Fire Chief** is the person appointed by Council as the Fire Chief for the Corporation of the Township of Hornepayne within the meaning of the Fire Protection and Prevention Act, S.O. 1997 c. 4, as amended.
- 4.15 **Legislative Powers** shall mean all matters where Council acts in a legislative or quasi-judicial function including enacting By-Laws, setting policies, and exercising decision making authority.

- 4.16 **Manager** is the person responsible for direction and operational control of a department, as defined in the Township's organizational structure and reports directly to the CAO.
- 4.17 **Municipal Act (the "Act")** is the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 4.18 **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Managers. If a Manager is unavailable, a delegate may be assigned.
- 4.19 **Township** is the Corporation of the Township of Hornepayne.
- 4.20 **Treasurer** is the Municipal Treasurer for the Corporation of the Township of Hornepayne which includes the roles and responsibilities established under Section 286 of the Municipal Act, 2001.

5.0 INTERPRETATIONS

- 5.1 Any reference to this Policy, to any statute, or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-Law or Township Policy shall be deemed to be a reference to the most recently passed policy or By-Law and/or any replacements thereto.

6.0 RESOLUTION OF CONFLICT

- 6.1 The Chief Administrative Officer is hereby authorized to resolve any conflict or ambiguity regarding the individual or individuals of the Township authorized to exercise any delegation.

7.0 DELEGATION OF AUTHORITY - GENERAL

- 7.1 The Chief Administrative Officer is authorized to further delegate and to authorize further delegations of any powers, duties and functions delegated under the Chief Administrative Officer by Council under this or any other By-Law as may be required on a temporary basis to ensure ongoing efficient and effective operations of the Township, provided such delegations are authorized in writing.
- 7.2 Notwithstanding section 7.1, under normal circumstances, the Client Services Manager/Treasurer, Public Works Manger or Economic

Development Officer shall act in the absence of the Chief Administrative Officer and shall be authorized when acting in the absence of the Chief Administrative Officer to exercise the same authority as that of the CAO. The foregoing shall not prohibit or restrict delegation of the Chief Administrative Officer's authority to another senior manager.

- 7.3 The Chief Administrative Officer is authorized to establish internal directives, policies, protocols and procedures including but not limited to general administration, human resources, finances and operations to ensure the efficient and effective operation of the Township as a whole.
- 7.4 The Chief Administrative Officer is authorized to act in the absence or instead of any Manager, subject to any restrictions set out in applicable law.
- 7.5 Council, as the delegating authority, may impose such terms and conditions upon any delegation as it sees fit, and this shall include the power to vary such terms or rescind the delegation in question.
- 7.6 Any delegation contemplated herein, shall be done in writing, except where statutory authority is granted.

8.0 VALIDITY OF ACTIONS TAKEN

- 8.1 Any variation or rescission of a delegated authority pursuant to Section 7 shall have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation were varied or rescinded.

9.0 EMERGENCY OR SPECIAL CIRCUMSTANCES

- 9.1 In case of emergency or special circumstances where it is necessary to act within the normal mandate of a department, but such action is not strictly within the terms of a delegated authority, the Chief Administrative Officer may take such action as necessary to rectify the situation. This may include waiving the requirements of other By-Laws, where deemed appropriate by the Chief Administrative Officer.
- 9.2 All action taken pursuant to Section 9 shall be reported to Council as soon as practically possible.

10.0 TRAINING, ACCREDITATION, CONFERENCES AND CONVENTIONS

10.1 Approval for professional accreditation, membership fees, or attendance at training, conferences, conventions and other related activities shall require the pre-approval of the Chief Administrative Officer and adhere to the approved budget.

11.0 RECRUITMENT AND PROMOTION

11.1 Managers, after receiving CAO approval to proceed, are authorized to recruit and employ staff, for approved positions or for temporary positions for which funds have been approved by Council.

11.2 CAO is responsible for ensuring job descriptions are up-to-date and relevant to operational needs.

12.0 DISMISSAL

12.1 Managers may make recommendations to the Chief Administrative Officer to discipline or dismiss employees. The Chief Administrative Officer is authorized to dismiss or discipline employees subject to provisions of this By-Law, with the exception of appointed positions listed in the "Act".

13.0 GENERAL CONDITIONS

13.1 Council delegates to the Chief Administrative Officer the authority to process, decide upon, and execute agreements for the following matters:

13.1.1 Administering the Municipal Freedom of Information and Protection of Privacy Act and for decisions made there under.

13.1.2 Authority to accept service of notices and documents on behalf of the Municipality.

13.1.3 Appointment of Township nominees to sit on labour boards for arbitration.

13.1.4 Minor maintenance/rental agreements relative to daily operations of the Municipality, provided the agreements may have fixed terms of no more than two (2) years and are acquired in accordance with the Procurement Policy.

13.1.5 Changes to Letters of Credit, Performance Bonds.

- 13.1.6 Signing of agreements for purchase and sale of municipal property and easement agreements in accordance with the Disposition of Surplus Township Property Policy.
- 13.1.7 Signing of contracts or agreements associated with the purchase of budgeted items or services.
- 13.1.8 Approving all Sponsorship and Advertisements agreements.
- 13.1.9 Signing letters of non-obligation and deeming events as municipally significant for ACGO Liquor License Application Requirements.
- 13.1.10 Settlement of small insurance claims up to the Township's deductible.
- 13.1.11 Disposal and/or sale of surplus and obsolete equipment in accordance with the Procurement Policy and/or the Tangible Capital Asset Policy.
- 13.1.12 Updating of Township's Emergency Plan.
- 13.1.13 Fire Risk and Safety Management Plans.
- 13.1.14 Joint use agreements.
- 13.1.15 User fee By-Law exemption.
- 13.1.16 Ministry of Transportation Agreements (i.e. license renewals, fleet ownerships, etc.).
- 13.1.17 Issuance of Lottery Licenses.
- 13.1.18 Approval of the execution of one-time or infrequent processes or agreements that are of an administrative nature and comply with approved operating and capital budgets.

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- 13.1.19 Signing releases or waivers required for short term use of facilities.
- 13.1.20 Approval of use of municipal facilities including events to which alcohol may be served.
- 13.1.21 Utility/Municipal Permits and Consents
- 13.1.22 Execution of applications to rezone Township property as Owner's representatives.
- 13.1.23 Execution of applications to amend the Official Plan as the Owner's representatives.
- 13.1.24 Certification of Title Applications noting no objection to land description for development lands, subject to review and recommendation by Staff.
- 13.1.25 Exemption from Site Plan Control.
- 13.1.26 Building Department approvals in accordance with the Building Code Act.-CBO
- 13.1.27 Agreements with Registered Code Agencies to perform specified functions with regard to the Building Code Act, S.O. 1992, be delegated for execution to the Chief Building Official.-CBO
- 13.1.28 Conditional Building Permit Agreements made under the Building Code Act, S.O. 1992 may be delegated for execution to the Chief Building Official.-CBO
- 13.1.29 Implementation of Assessment Review Board decisions.
- 13.1.30 Accounts Receivable – write-off of interest in accordance with Council approved annual Operating Budget.
- 13.1.31 Allowance for refunds, up to \$200.00, or in accordance with the Budget and Financial Controls Policy.

- 13.1.32 Authority to approve tax write offs and increases under Sections 357, 358 and 359 of the Municipal Act, 2001.
- 13.1.33 Pursuing and settling with third parties for the recovery to Township property damage claims.
- 13.1.34 Additions or deletions of local taxation for any MPAC driven assessment and classification changes.
- 13.1.35 Servicing agreements and signing authorities associated with all existing Township bank accounts.
- 13.1.36 Future banked vacation carryover requests for non-union employees.
- 13.1.37 Execution of pension, benefits, and insurance contract renewals and amendments, in accordance with the Procurement Policy.
- 13.1.38 Authority to grant departmental permits transient trader, taxi, animal and business licenses, entrance, ditch infill, streetlight shade, etc.
- 13.1.39 Sewer Use Agreements.
- 13.1.40 Salt-use agreements.
- 13.1.41 Erection of intersection traffic control signing.
- 13.1.42 Erection of temporary mobile signs on the public right-of-way.
- 13.1.43 Street Closures or temporary street closures and/or detours due to construction or special events.
- 13.1.44 Temporary Road Closures for road work and repairs.
- 13.1.45 Temporary Road Closures for ceremonial events, parades and community celebrations.

13.1.46 Council further delegates to the Chief Administrative Officer the authority to approve amendments of a general administrative or housekeeping nature to the matters set out in Section 13.

13.2 Council further delegates to the Chief Administrative Officer the authority to process, decide upon and execute agreements for the following matters in consultation with the appropriate Manager:

13.2.1 To sign amendment acceptance pages for contract renewals or amendments with the Township of Hornepayne employee benefit carriers/providers for all employee groups as a result of annual renewals, collective bargaining or arbitration awards, satisfactory in form to the Township Solicitor, and in satisfactory technical and financial content to the Treasurer.

13.2.2 Permission to park trailers temporarily on parking lots when the purpose is in the public interest and a non-commercial use.

13.2.3 Approval of fire routes subject to favourable recommendations from the Chief Building Official and Fire Chief.

13.2.4 To use vacant dwellings acquired by the Township of Hornepayne for training purposes prior to demolition upon recommendation of the Township's Solicitor, Insurance Carrier, Public Works Manager and Fire Chief.

13.2.5 Approval of legal encroachments within the terms of Council's established policy.

13.2.6 Approval of the issuance of correcting or quit claim deeds to clear defects in the title of property.

13.2.7 Moving expenses for recruited employees with an upset limit of \$5,000.00.

13.2.8 Appointment of Commissioner of Oaths.

13.2.9 Closure of non-essential Township departments in the event of staff training, inclement weather and/or power outages:

- 13.2.10 Letters of support from Administration for community festivals and/or outdoor events, subject to Administration submitting the request to Council's attention as a communication for Council's information coincidental to the submission of the letter of support.
- 13.2.11 Letters of support for applications by outside groups or agencies where there is no financial commitment on the Township, subject to a favourable recommendation in support of the letter or request from the Manager responsible.
- 13.2.12 Correspondence or documents required to implement an action/decision of Council.
- 13.2.13 Requests for the rental of ice in municipal arenas and requests for the lease of advertising where written agreements are necessary.
- 13.2.14 Authority to sign Maintenance Agreements for future maintenance repairs and related engineering studies, up to the amount of \$50,000.00, as per the Procurement Policy.
- 13.2.15 Ability to authorize the Integrity Commissioner to investigate complaints reported to the Chief Administrative Officer.
- 13.2.16 Requests for waiver of fees as noted in the Township's User Fee By-Law limited to fees not exceeding \$1,000.00 per request.
- 13.2.17 Approval to terminate, or approve for termination of, contracts for default, poor or non-performance, subject to the favourable recommendation of the Township Solicitor.
- 13.2.18 Grant applications submitted by the Township for existing approved programs where Township funding is either not required or is available within existing budgets.
- 13.2.19 Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds.

- 13.2.19 Point of contact, being the Municipal entity, pursuant to the Ombudsmen Act.
- 13.3 Council further delegates to the Chief Administrative Officer the authority to defend, settle, and abandon the following legal matters:
 - 13.3.1 The conduct of all litigation before courts and administrative tribunals, subject to such instruction as may be issued by Council from time to time and in the conduct of such litigation, the Chief Administrative Officer shall use the most efficient combination of staff and external legal services as required to represent and defend the interests of the Township in the issue at hand.
 - 13.3.2 Authority to defend, settle, and abandon all matters within the jurisdiction of the Small Claims Court provided that the authority to settle or abandon a matter is limited to an amount not to exceed \$50,000.00.
 - 13.3.3 Authority to direct the prosecution of, to defend, settle and abandon all matters within the jurisdiction of the Ontario Court of Justice or Provincial Offences Court provided that the authority to settle or abandon a matter is limited to an amount not to exceed an aggregate penalty of \$50,000.00.
- 13.4 With respect to matters within the jurisdiction of the Superior Court of Justice, the Chief Administrative Officer shall have authority to:
 - 13.4.1 Direct the defense of all actions against the Township and to take such steps, including all interim proceedings, as may be considered necessary or proper;
 - 13.4.2 Carry out the decisions of Council to initiate an action or abandon an action;
 - 13.4.3 Recommend a settlement to Council in conjunction with the advice of the Township Solicitor.

- 13.4.4 In exercising authority granted in the aforementioned sections, the Chief Administrative Officer shall have the authority to:
 - 13.4.4.1 Authorize the payment of all expenses related to the conduct of any action or matter and the payment of any costs awarded against the Township;
 - 13.4.4.2 Execute all documents required to conduct any action or conclude the settlement of any action or matter; and
 - 13.4.4.3 Take all steps required to enforce orders, decisions, awards and judgements.
- 13.4.5 Authority, on direction of Council, to make applications and take objection to all matters brought before administrative tribunals including the Local Planning Appeal Tribunal and other administrative tribunals.
- 13.4.6 Authority to respond to all matters brought before administrative tribunals including the Local Planning Appeal Tribunal and other administrative tribunals.
- 13.4.7 Authority, on direction of Council, to initiate all matters brought before the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission including arbitrations.
- 13.4.8 Authority to respond to all matters brought before the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission including arbitrations.
- 13.4.9 The Chief Administrative Officer shall have the authority to:
 - 13.4.9.1 Appeal decisions of the Small Claims Court;
 - 13.4.9.2 Appeal decisions of the Ontario Court of Justice or Provincial Offences Court;

- 13.4.9.3 Commence, conduct and participate in appeals regarding planning matters to the Local Planning Appeal Tribunal and similar administrative tribunals, including appeals from decisions of Council and/or the Committee of Adjustment;
- 13.4.9.4 For those matters for which the Chief Administrative Officer does not have delegated authority as noted in this By-Law, the matter shall be brought before Council for direction at a Closed Meeting in accordance with Section 239 of the Municipal Act, 2001.
- 13.4.9.5 Where time constraints or other circumstances will not allow for the required authority granting procedures to be followed with respect to any legal matter, the Chief Administrative Officer shall have the authority to take appropriate action and report such actions to Council as soon as practically possible.

14.0 EXCLUSIONS

- 14.1 Unless specifically delegated in this Policy, all the powers and duties of Council as described under section 23.1 (1) of the *Municipal Act, 2001* shall remain with Council.
- 14.2 Council cannot delegate the following powers and duties, as per Section 23.3 (1) of the Municipal Act, 2001:
 - 14.2.1 The power to appoint or remove from office an officer of the Municipality whose appointment is required by this Act.
 - 14.2.2 The power to pass a By-Law under section 400.1 and Parts VIII, IX, IX.1 and X.
 - 14.2.3 The power to incorporate corporations in accordance with Section 203.
 - 14.2.4 The power to adopt an Official Plan or an amendment to an Official Plan under the Planning Act.

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- 14.2.5 The power to pass a Zoning By-Law under the Planning Act.
- 14.2.6 The powers to pass a By-Law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
- 14.2.7 The power to adopt a Community Improvement Plan under Section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under Section 365.1 of the Municipal Act.
- 14.2.8 The power to adopt or amend the budget of the Municipality.
- 14.2.9 Any other power or duty that may be prescribed. 2006, c. 32, Sch. A, s. 15, part: 2017, c. 8, Sch. 19, s. 2.