



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: July 20, 2020

Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2020-10

Subject: Delegation of Authority By-Law Amendments

Number of Pages: 21, including attachments

### **Recommendation(s)**

**That** Legal and Legislative Services-2020-10 Report entitled Delegation of Authority By-Law Amendments prepared by Robert W. Auger, Town Solicitor, Legal and Legislative Services/Clerk dated July 20, 2020 be received, and

**That** By-Law 1924 being a by-law to Delegate the Duties and Powers of the Council of the Town of Essex be adopted, and

**That** By-Laws 869, 1404 and 1737 and all amendments hereto be repealed.

## Purpose

To consolidate the recent amendments that have been made to date to By-Law 1404 together with further current amendments (proposed) mostly for the purposes of clarification and eliminate inconsistencies but also to further facilitate the effective and efficient operation of the Corporation.

## Background and Discussion

The Council of The Town of Essex, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. However the efficient management of the municipal corporation and the need to respond to issues in a timely fashion requires Council to entrust certain powers and duties to Administration while concurrently maintaining accountability, which can be effectively accomplished through the delegation of certain legislative and administrative functions. Council authority can be delegated within the context of and in accordance with the Municipal Act. Section 270. (1) 6 of the *Municipal Act, 2001* accordingly requires that a municipality shall adopt and maintain policies with respect to the delegation of powers.

In 2015, Council passed By-Law 1404 for the purposes of adopting a policy for the Delegation of Powers and Duties.

On March 5 2018 Council via Clerks report 2018-02 approved amendments to Schedule "A" of By-law 1404 which included the following:

- Amendments to position titles for some non-union staff.
- Minor amendments to items 7.05, 13.01 and 19.01 to align with the new item 6.00, Council.
- Addition of item 12.03, giving the Clerk authority to sign vehicle licensing documents.

- Addition of item 21.01, giving the Clerk authority to sign on behalf of the corporation in matters related to shipping and customs.

On August 20, 2018 Council further amended Schedule "A" (amending by-law 1737/Clerks Report 2018-14)) by adding item 11.02 which delegates the determination of events as "Municipally Significant " for Alcohol and Gaming Commission of Ontario (AGCO Special Occasion Permit purposes

The changes now proposed in By-Law 1924 addresses changes as a result of the recent organization review process together with additional requested changes by Administration for the purposes of facilitating the operations of the Corporation.

The Proposed changes include:

- Amendments and/or additions to position titles including changes to the authority delegated to various positions
- The requirement for the Primary delegated Authority to consult with various other members of administration
- Section 10.00 Insurance Claims has been amended to include and provide clarification for Litigation matters including insurance claims and non-insurance litigation and other claims with the primary authority up to stated limits delegated to the Chief Administrative Officer in consultation with the Town Solicitor
- Section 11.00 Letters of Support has been amended to include Administrative Approvals including cannabis retail store applications and liquor license applications In accordance with town policies to be developed/approved by Council
- Section 15.00 Planning and Zoning has been renamed to Section 15.00 Development and Property Matters
- Section 15.03 Community Improvement Plan has been amended to delegate the primary authority to the Economic Development Officer and the secondary authority to the Manger, Planning Services

- Section 15.04 Release or discharge of Subdivision Agreements and Site Plan Control Agreements has been added in order to facilitate the mainly administrative function of determining and carrying out the logistics of releasing a particular parcel from the encumbrance registered on that parcel's title. This section delegates primary authority to the Manager, Planning Services in consultation with the Directors of Development Services and Infrastructure Services. Secondary authority has been delegated to the Town Solicitor
- Section 15.05 Consent for Alterations (re: designated Heritage properties) has been added delegating primary authority to the Manager, Planning Services and secondary authority to the Director, Development Services
- Section 15.06 Heritage Grant Program has been added delegating primary authority to the Manager, Planning Services and secondary authority to the Director, Development Services
- Section 15.07 Encroachment Agreements has been added delegating primary authority to the Town Solicitor in consultation with the Directors
- Section 15.08 Validation of Certificates has been added delegating primary authority to the Secretary/Treasurer, Town of Essex Committee of Adjustment and secondary authority to the Manager, Planning Services
- Section 15.09 Closing and Sale of Alleys has been added delegating primary authority to the Director, Infrastructure Services in consultation with the Town Solicitor and the Director, Corporate Services/Treasurer but in conjunction with a Policy to be approved by Council Sections 25.01 and 25.02 has been amended to delegate secondary authority to the Manager, Information Technology
- Section 25.02 Live Video Surveillance has been amended to delegate secondary authority to the Manager, Information Technology
- Sections 25.03, 25.04 and 25.05 has been amended to require the primary authority to consult with the Director, Corporate Services/Treasurer

- Primary and Secondary authority has been amended to provide an overall requirement that in exercising the delegated authority under this by-law:
  - Any legal impacts require consultation with the Town Solicitor
  - Any financial impacts require consultation with the Director, Corporate Services/Treasurer

## **Financial Impact**

There are no financial impacts as a result of this report.

## **Consultations**

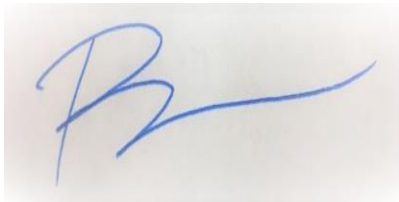
### **Link to Strategic Priorities**

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Delegation of Authority By-Law Amendments - Legal and Legislative Services-2020-10.docx
Attachments:	<ul style="list-style-type: none"><li>- By-Law No. 1924 Delegation of Authority Schedule June 2020.xlsx</li><li>- By-Law 1924 Delegation of Authority.docx</li></ul>
Final Approval Date:	Jul 14, 2020

This report and all of its attachments were approved and signed as outlined below:



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jul 14, 2020 - 11:36 AM**



**Chris Nepszy, Chief Administrative Officer - Jul 14, 2020 - 12:55 PM**