

**THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC
BY-LAW NO. 104-24**

**A BY-LAW TO ESTABLISH A DELEGATION OF COUNCIL AUTHORITY
POLICY FOR THE MUNICIPALITY OF STRATHROY-CARADOC**

WHEREAS section 270 of the *Municipal Act, 2001*, S.O. 2001, as amended, authorizes a municipality to delegate, its powers and duties subject to certain restrictions;

AND WHEREAS the Council of The Municipality of Strathroy-Caradoc has deemed that certain routine administrative and legislative powers are of a minor nature, and the delegation of these powers would contribute to the efficient management of the municipality while still adhering to the principles of accountability and transparency;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC AS FOLLOWS:

1. **THAT:** The “Delegation of Council Authority Policy” attached to and forming part of this by-law be approved;
2. **THAT:** This by-law shall come into full force and effect on the date of final passage in Open Council.
3. **THAT: By-law 61-22 is hereby repealed.**

READ A FIRST AND SECOND TIME this 21st day of October, 2024.

READ A THIRD TIME AND FINALLY PASSED in Open Council this 21st day of October, 2024.

Mayor

Clerk



Delegation of Council Authority

Goal Statement

The Council of the Municipality of Strathroy-Caradoc, as a duly elected Municipal government, is directly accountable to the residents and ratepayers of the Municipality for legislative decision-making, policies and administrative functions. Council's decisions are generally expressed through by-laws or a resolution of Council, carried by a majority vote. Despite this, the efficient management of the Corporation, including the need to respond to emergencies and/or issues in a timely manner, requires Council to entrust certain powers and duties to staff while concurrently maintaining Council accountability, which can be accomplished through the delegation of certain legislative, quasi-judicial and administrative functions.

Council authority will only be delegated in accordance with the *Municipal Act*, 2001, S.O. 2001 (or any successor legislation) as amended and its regulations, and other applicable legislation.

In this context and, in keeping with Section 270 (1)(6) of the *Municipal Act* 2001, the Delegation of Council Authority Policy is intended to formalize the manner in which the Council of Strathroy-Caradoc authorizes Municipal staff to exercise Council's authority for minor and/or day-to-day administrative purposes while also providing absolute clarity on what is and is not appropriate and with whom the said authority is vested and in what circumstance.

Objective

The Delegation of Council Authority Policy is intended to establish clear procedures and limitations for all employees to follow with respect to exercising the authority extended by Council. These procedures and limitations have been put in place to preserve Council's oversight rights and responsibilities while promoting the efficient and effective operations of the Corporation.

Application

This Delegation of Council Authority Policy shall apply to the whole of the Corporation and shall override and replace all previous delegations of authority unless expressly stated otherwise herein. All delegations of powers and duties that were made by Council before the date of this Policy coming into force are confirmed and are deemed to be delegated under this policy.

This policy does not confer any delegated authority to any specific person or body. Such delegations are conferred to specific positions within the Corporation and may not be sub-delegated by the holder of that position unless specifically permitted herein.

Notwithstanding the above, the Council of Strathroy-Caradoc reserves the right to override this policy, or any part of this policy, when such action is deemed prudent and in keeping with the transparent, efficient and effective administration of the Municipality.

Council hereby confirms that it is of the opinion that all legislative powers under any Act delegated to an officer or an employee of the Corporation are minor in nature, within the meaning of Subsection 23.2 (4) of the *Municipal Act*, 2001, S.O. 2001, c. 25.

In cases of conflict or confusion, the Chief Administrative Officer (CAO) shall be empowered to make any and all necessary alterations or clarifications needed to ensure the equitable and effective application of this policy.

Responsibility

Council delegates the powers, duties, and restrictions thereto as set out in the Governing Rules and Regulations Section of this By-law to those officers, employees, or committees listed in the said section.

Where the exercise of a delegated authority requires the expenditure of money, funding for the expenditure shall be included in an approved budget and all relevant requirements of the Purchasing By-Law, or any successor Purchasing By-Law shall be followed.

Where the delegated authority authorizes the execution of an agreement, the agreement shall be approved by legal counsel prior to its execution.

All relevant By-laws and resolutions of the Corporation shall apply to the exercise of delegated authority authorized by this By-law.

In cases of conflict or confusion, the Chief Administrative Officer (CAO) shall be empowered to make any and all necessary alterations or clarifications needed to ensure the equitable and effective application of this policy within the confines of the *Goal Statement, Objectives and/or Application* noted herein.

Sub-Delegation

Delegation of Council's power and authority is conferred to specific positions within the Corporation and may not be sub-delegated by the holder of that position except as noted herein.

Should any position identified in this By-law with a delegated authority become vacant for any reason, the CAO shall be empowered to act and/or designate another person, in writing, to assume the delegated authority on an acting basis. Any such declaration shall be communicated to the Mayor and Council, in writing, at the earliest opportunity.

Should any position identified in this By-law with a delegated authority no longer exist in the Corporation, the CAO shall be empowered to act and/or designate another person, in writing, to assume the delegated authority on an acting basis. Any such declaration shall be communicated to the Mayor and Council, in writing, at the earliest opportunity.

In the event the CAO's Office is the vacant position, the position will remain vacant until designated by Council.

Definitions

Chief Administrative Officer (CAO): The senior staff person of the Municipality of Strathroy-Caradoc as appointed by the Council of Strathroy-Caradoc.

Corporation: The Municipality of Strathroy-Caradoc, its Committees, Departments and/or any other branch or division falling under the operational or legislative control of the Municipality of Strathroy-Caradoc.

Council: The Council of Strathroy-Caradoc.

Municipality: The Municipality of Strathroy-Caradoc, its Committees, Departments and/or any other branch or division falling under the operational or legislative control of the Municipality of Strathroy-Caradoc.

Delegations

The following is a consolidated list of delegations of authority made by this By-law.

1.0 Chief Administrative Officer:

- a. The authority to conduct, execute, bind, negotiate and undertake contracts, transactions and duties falling within the purview of the CAO and/or involving the day-to-day administration of the Corporation and the directives of Council;
- b. The authority to approve all Human Resources matters and staffing reclassifications provided that:
 - Funds are available within current budget allocations;
 - Expenditures are deemed essential for the purpose of achieving the objectives of the Corporation; and
 - Alternative options have been evaluated by Human Resources and proven costlier or less effective than staffing a position.
- c. The authority to bind the Corporation and process documentation relating to real estate transactions (when a transaction is so directed by Council), service agreements, procurement of goods, legal opinions, grant applications, external services, and other like documents necessary for the effective and efficient administration of the Corporation;
- d. The authority to bind the Corporation on any matter relating to a declared emergency or to a situation where there is an imminent threat to the peace, safety and security of the Municipality or to persons therein; and

2.0 Director of Legal and Legislative Services/Municipal Clerk:

- a. The authority to undertake all statutory duties assigned to the Clerk. It is accepted that certain duties may be properly undertaken by an authorized Deputy Clerk functioning under the oversight of the Director;
- b. The authority to undertake agreements relating to the administration, management, care, maintenance and improvement of Municipal cemeteries; and
- c. The authority to manage and undertake all responsibilities under the *Municipal Freedom of Information and Protection of Privacy Act*;
- d. The authority to retain and instruct Counsel.

3.0 Director of Finance:

- a. The authority to bind the Corporation and/or to enact agreements or commitments relating to the day-to-day administration of the Municipal budget, debt and reserves as generally understood and approved by Council; and
- b. The authority to bind the Corporation and/or to enact agreements or commitments relating to audit services required by the Municipality;

4.0 Director of Community Services:

- a. The authority to secure a liquor permit for a Municipal event;
- b. The authority to approve leases, licences and other forms of temporary use or access agreements to municipal property and facilities;
- c. The authority to approve and action documents and acknowledgements necessary for routine operational and regulatory compliances, government inspections relating to labour or facility matters falling within the department's jurisdiction, and related permits;
- d. The authority to approve leases, licences and other forms of temporary use or access agreements to municipal property and facilities; and
- e. The authority for discretionary fee adjustments due to emergency and/or service interruptions.

5.0 Director of Engineering and Public Works:

- a. The authority to sign water and wastewater compliance reports as well as the authority to undertake statutory responsibilities vested with the Drainage Superintendent;

- b. The authority to authorize the temporary closure of any Municipal road;
- c. The authority to approve and action documents and acknowledgements necessary for routine operational and regulatory compliances, government inspections relating to labour or facility matters falling with the department's jurisdiction, and permits relating to the same; and
- d. The authority to approve the erection or installation of new traffic control signals or signs that have been approved by Council.

6.0 Director of Building and Planning:

- a. The authority to undertake statutory responsibilities including the execution of Site Plan Agreements and those responsibilities vested with Chief Building Official;
- b. The authority to approve and action documents and acknowledgements necessary for routine operational and regulatory compliances, government inspections relating to labour or facility matters falling with the department's jurisdiction, and permits relating to the same; and
- c. The authority to issue infraction notices relating to Municipal By-laws and to execute any documentation necessary to defend Corporate interests relating to the said infraction notices in Court. It is accepted that certain of these duties may be properly undertaken by an authorized By-law Enforcement Officer functioning under the oversight of the Director of Building and Planning.

7.0 Director of Fire Services:

- a. The authority to approve and execute agreements to provide fire and public safety training to personnel provided that the costs associated with the training is within current budget allocations;
- b. The authority to undertake all statutory duties assigned to the Fire Chief and/or the Community Emergency Management Coordinator by the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (and any successor legislation); and
- c. The authority to take all proper measures for the prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by the Fire Protection and Prevention Act (and any successor legislation) and the Municipal Fire Department Establishing and Regulating By-law.

8.0 Chief of Police

- a. The authority to undertake all statutory responsibilities vested with the Chief of Police by the Community Safety and Policing Act (and any successor legislation) and consequential regulations; and
- b. The authority to procure Police Service vehicles and equipment in the name of the Municipality when duly authorized by the Police Services Board and/or the Council to do so.

9.0 Director of Information Services:

- a. The authority to approve data and/or software licencing agreements following the purchasing policy and within budget approvals.

10.0 Committee of Adjustment:

- a. Empowered to grant minor variances and severances from any By-law of the Corporation that implements the Official Plan providing the granting of the minor variance or severance is premised in sound planning procedures.

Limitations

- a. The Municipality of Strathroy-Caradoc accepts the doctrine of federal/provincial paramountcy as it relates to all municipal policies, procedures and by-laws.
- b. For clarity, this acceptance means that, where there is an inconsistency or overlap between any validly enacted municipal policy, procedure or by-law and a lawful and relevant federal or provincial directive, statute or regulation, the federal or provincial directive, statute or regulation shall take precedent and override the cited municipal provision to the extent of resolving the inconsistency.
- c. Nothing contained within the By-law shall constitute a limitation on any lawful power or responsibility imposed upon a Statutory Officer of the Corporation by virtue of that office.
- d. Unless a power, duty or function of Council has been delegated by By-law, all powers, duties and functions of Council remain with Council.
- e. Any delegation authorized in accordance with this Policy may be subject to additional regulation as enacted by the Government of Ontario or the Government of Canada.
- f. In exercising any delegated power, the delegate shall ensure the following:
 - Any expenditure related to the matter shall be provided for in the annual budget, or otherwise authorized by Council;
 - The scope of the delegated authority shall not be exceeded by the delegate;
 - When required by Council, reports shall be submitted to Council advising of the exercise of the delegated power and confirming compliance with this Policy; and

- Delegates shall ensure the consistent and equitable application of all Council policies and procedures.
- g. Nothing contained within the Policy shall diminish or limit the authority or ability of any Statutory Officer of the Corporation from undertaking their statutory duties or responsibilities as outlined in law.
- h. Council is not authorizing any delegate to:
- Appoint or remove Statutory Officers of the Corporation unless specifically provided for by By-law;
 - Exercise Council's ability to impose taxation;
 - Adopt or amend the Official Plan under the Planning Act;
 - Adopt or amend the Zoning By-law;
 - Adopt or amend a duly enacted By-law;
 - Adopt or amend a community improvement plan; and
 - Adopt or amend the municipal budget.
- i. Minor grammatical, spelling, and/or typographical changes or corrections that do not alter the intent of this policy/document may be made, as necessary, by the CAO and/or the Municipal Clerk. Grammatical, spelling, and/or typographical changes shall not alter or diminish the effect of the directives contained herein.

Appeal

Council shall, at its sole discretion, retain the right to hear any appeal made by a person or body of a delegated approval decision and to determine the process by which an appeal is undertaken.

Council shall retain the right to revoke a delegation at any time and for any reason.

Review of Policy

This Policy shall be reviewed from time-to-time by the Management Team & Council.

Implementation

This policy shall become effective immediately upon approval by the Council for the Municipality of Strathroy-Caradoc.