



Subject: Delegation of Powers and Duties

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-243

Meeting Date: November 14, 2023

Recommendation:

That Chief Administrative Office Report 2023-243 be received; and

That the Delegation of Authority By-law attached as Appendix A of Office of the Chief Administrative Officer Report 2023-243 be approved.

Purpose:

The purpose of this report is to present the updated version of the Delegation of Authority By-law to Council for approval, following the presentation of the draft By-law at the Council meeting on November 14, 2023, as part of Chief Administrative Office Report 2023-201. If passed, the Delegation of Authority By-law would allow certain municipal Council powers and duties to be delegated to City staff or committees to promote efficiency, improved customer service, and streamline administrative processes.

Background:

The *Municipal Act*, 2001 S.O. 2001, c. 25, as amended (the Act) requires that a municipality adopt and maintain policies with respect to the delegation of its powers and duties (S. 270(1)6).

On November 14, 2023, Chief Administrative Office Report 2023-201 presented the first draft of the Delegation of Authority By-law for consideration by Council for the following reasons:

The efficient management of the Corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff or

committees, while concurrently maintaining accountability. This can be effectively achieved through the delegation of legislative and administrative functions.

In the exercise of any delegated power or duty, it is the responsibility of the delegate to ensure expenditures are provided in the current year's budget or otherwise authorized by Council and the delegate shall not exceed the authority delegated. Legal counsel will play a key role in reviewing such matters as the undertaking of contracts or agreements with third parties and ensuring the legislative powers are respected and are exercised in accordance with any conditions or limitations for delegation through the adoption of the delegation by-law.

The proposed by-law sets out which municipal officers, employees, or agents are responsible for undertaking the delegated actions, all of whom are professionals with accountability for the duties that are delegated.

At the Council meeting on November 14, 2023, members of Council provided staff their feedback on Chief Administrative Office Report 2023-201 and the accompanying by-law. Their feedback and the subsequent updates to the draft by-law are discussed below.

Discussion:

The delegation of power and duties is a tool broadly utilized throughout Ontario. During the preparation and analysis of the Delegation of Authority By-law for Council consideration, no fewer than twenty various municipal by-laws and policies were reviewed to analyze what options might be best suited to the City. Each member of the Senior Management Team reviewed samples and best practice criteria and together reviewed the by-law presented for Council's consideration through this report. Consideration was given to each item listed in the by-law with the lens to identify if the function is:

- routine or minor in nature;
- generally would not prompt Council debate;
- provision of more efficient customer service through delegation.

When the first draft of the Delegation of Authority By-law was presented to Council on November 14, 2023, Council requested the following amendments:

1. Section 18 of the draft Delegation of Authority By-law named the Mayor, the Chief Administrative Officer, and the City Clerk, respectively, as signing officers with the authority to execute documents on behalf of the City.

Council requested that the "Deputy Mayor" be added as an additional signing officer, to sign on behalf of the Mayor in the absence of the Mayor. As a result, section 18 of the Delegation of Authority By-law now lists the Deputy Mayor as an additional

signing officer.

2. In Schedule A of the draft Delegation of Authority By-law, under the heading “Office of the Chief Administrative Officer” and the subheading “City Clerk,” the following delegation was included:

“Approve the execution, amendment or termination of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.”

Council requested that the authority to terminate agreements or grant applications be removed. As a result, this delegation now reads:

“Approve the execution and/or amendment of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.”

3. In Schedule A of the draft Delegation of Authority By-law, under the heading “Community Safety and Enforcement” and the subheading “By-law Enforcement Services,” the following delegation was included:

“Approve minor variances to the Fence By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Fence By-law.”

Council requested that the authority to approve minor variances to the Fence By-law be delegated to the Committee of Adjustment rather than to staff; however, pursuant to the *Planning Act*, the Committee of Adjustment is only authorized to approve minor variances to the Zoning By-law currently in effect. At this time, the Zoning By-law does not contain provisions regulating fence construction; the Fence By-law is a by-law separate from the Zoning By-law, and as such, the Committee of Adjustment would not be able to approve such variances.

As a result, the abovementioned delegation has been removed from the Delegation of Authority By-law. Council will remain the approval authority for applications for minor variances to the Fence By-law for the time being. The Clerk’s Division intends on bringing a report before Council at a later date to recommend the establishment of a committee to review appeals related to the City’s Licensing By-laws, and appeals of Orders such as Property Standards Orders and Notice to Muzzle Orders.

Internal Consultations:

Staff from the City's Senior Management Team have worked together to develop the proposed list of delegated powers and duties. The draft Delegation of Authority By-law was brought before Council on November 14, 2023, to gather input before presenting the final version in this report.

Financial Implications:

There are no direct financial costs to the municipality.

Public Engagement:

No members of the public have provided any comments on the Delegation of Authority By-law as of the time of writing.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
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Conclusion:

Staff recommend the adoption of the Delegation of Authority By-law, as presented, to promote efficiency, improve customer service, and streamline administrative processes by delegating certain administrative tasks to City staff and committees.

Appendices:

- a. Delegation of Authority By-law

Respectfully submitted,

Diana Vasu
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.