

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #4307(2021)

Administrative Authority By-law:

Being a by-law to delegate certain powers and duties under the *Municipal Act, 2001, S.O. 2001, c. 25*, and other Acts as contained in the Schedules hereto.

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

AND WHEREAS section 224(d) of the Act states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the Act states it is the role of officers and employees of the municipality to; (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

AND WHEREAS the Council of the Corporation of the Town of Pelham has identified certain routine administrative functions to be delegated to staff to improve daily business efficiencies while continuing to adhere to the principles of accountability and transparency;

NOW THEREFORE BE IT RESOLVED that the Council for the Town of Pelham hereby enacts as follows:

Part I – Short Title

1. THAT this By-law may be referred to as the "Administration of Authority By-law".

Part II – Delegation Provisions

- 2.1 Council delegates the powers, duties, and restrictions thereto as set out in the Schedules appended hereto, to those officers, employees or committees therein listed;
- 2.2 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law;
- 2.3 Except as otherwise required by law, should any position identified in

this By-law with delegated powers or duty be vacant, or no longer exist within the Corporation, the powers and duties of that position may be exercised by a person deemed to have authority of the position until such time as the position is either no longer vacant, or a new delegation for the corresponding delegated power or duty is approved;

2.4 Where the exercise of a delegated authority requires an expenditure of money, funding for the expenditure shall be included in an approved budget and all relevant requirements of the Town of Pelham purchasing and procurement by-law in effect at the time of the expenditure shall be followed;

2.5 Where delegated authority includes execution of an agreement, the agreement shall be approved by the Chief Administrative Officer, the Department Head, and/or legal counsel prior to its execution;

2.6 All relevant By-laws and Resolutions of The Corporation of the Town of Pelham shall apply to the exercise of delegated authority, as authorized by this By-law, or any associated standalone delegation of authority By-law;

2.7 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*, S.O. 2001, c.25.

Part III – Definitions

3. For the purposes of this By-law:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

"Approval" includes authority to sign for approval and execute an agreement, contract, release, waiver, application or document intended to bind the Corporation and includes any renewal, amendment or termination thereof, and "Approve" has a corresponding meaning;

"By-law" means this by-law and includes its Schedules;

"CAO" means the Chief Administrative Officer for the Town of Pelham;

"Chief Building Official" or "CBO" means the Chief Building Official, as duly appointed by by-law;

"Chief Fire Official" means the Fire Chief for the Town of Pelham, as duly appointed by by-law;

"Clerk" means the Town Clerk as duly appointed by by-law;

"Corporation" means The Corporation of the Town of Pelham;

"Council" means the elected Council of The Corporation of the Town of Pelham;

"Department" means a Department with a Director/Department Head;

"Delegation of Powers Policy" means a policy that has been approved by Council in accordance with section 270(1)6 of The Act;

"Legal Proceeding" means any court or administrative tribunal proceeding commenced by, or against, the Town;

"Treasurer" means the Treasurer of the Town of Pelham, as duly appointed by by-law.

Part IV – Nature and Scope of Delegation of Powers and Duties

4.1 The authority to approve a matter as contained in any Schedule hereto appended is hereby delegated to the person or persons set out in Column 2 therein and shall be subject to any conditions or restrictions as contained in Column 5;

4.2 Where authority to approve a matter is delegated to any person under this by-law, the Chief Administrative Officer may also exercise that authority;

4.3 Despite any provision of this by-law, a delegate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates has been approved by Council, and shall be deemed to be approved where such transaction or activity:

- a. is included in the annual budget as adopted by Council; or
- b. is included in a program, project or activity which has been approved by Council; or
- c. is reasonably incidental to the authority given to the Chief Administrative Officer or Directors, as the case may be, to carry out their duties and responsibilities on behalf of the Town;

4.4 No provision of this By-law shall be construed as waiving any provision of the Purchasing By-law, as may be amended from time to time, and the Purchasing By-law shall continue to apply to the procurement of goods and services on behalf of the Town;

4.5 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law.

Part V – Appointment of Signing Officers

5.1 The Mayor and the Town Clerk or their designates are hereby appointed signing officers of the Town and may jointly execute any document on behalf of the Town, unless specifically provided for in the Schedules appended.

Part VI – General

6.1 Any reference to legislation, regulations or By-laws in this By-law shall be interpreted to include all amendments and any successor legislation thereof;

6.2 In the event that any provision or part of this By-law is found to be invalid for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid;


6.3 In the event of any inconsistency between this By-law and any other Town by-law the more restrictive provision shall prevail to the extent of the inconsistency;

6.4 Throughout this By-law (i) the term "including" or the phrases "e.g.," or "for example" shall be interpreted to mean "including, without limitation"; (ii) the singular includes the plural and vice-versa; and (iii) any gender includes any other gender, unless the context requires otherwise;

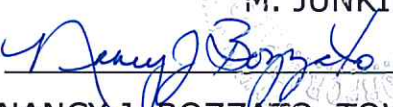
6.5 This By-law shall come into force and take effect on the date of passing.

ENACTED, SIGNED & SEALED THIS

11th DAY OF JANUARY, 2021



M. JUNKIN, MAYOR



NANCY J. BOZZATO, TOWN CLERK

