

The Corporation of the Municipality of Brockton



By-Law 2020-041

Being a By-Law to Amend the Municipality of Brockton's Delegation of Authority By-Law for Certain Acts during the COVID-19 Pandemic

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001*, S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas the *Municipal Act 2001*, S.O. 2001, c. 25, Section 23.1 authorized municipal Councils to delegate powers and duties subject to the restrictions set out in Part II thereof;

And Whereas the Council of the Corporation of the Municipality of Brockton intends to make use of the electronic meeting provisions in the *Municipal Emergency Act, 2020* , S.O. 2020, c. 4. to the greatest extent possible to ensure oversight and transparent decision-making for the public;

And Whereas the Municipality of Brockton is currently affected by the COVID-19 pandemic, and wishes to delegate authority to members of staff to ensure efficient operations and continuity of service to residents ~~in the instance that the Municipality of Brockton Council is unable to form a quorum to conduct an electronic meeting or an immediate decision is require to ensure efficient municipal operations for the protection of residents and/or staff;~~

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

1.0 That The Corporation of the Municipality of Brockton Council hereby amends the Municipality of Brockton's Pandemic Delegation of Authority By-Law 2020-032 to include and/or remove the following clauses:

- 1.1 ~~1.0 That the Chief Administrative Officer shall have the authority to remove, terminate, recruit, discipline or replace any employee or senior manager with the exception of the positions required in the Municipal Act, 2001.~~
- 1.2 ~~10.0 The Chief Financial Officer and Chief Administrative Officer are jointly authorized to accept and award tenders for the following annual purchases:~~
 - ~~10.1 Hot Mix Paving Contract A1 up to \$91.58 per tonne;~~
 - ~~10.2 Hot Mix Paving Contract A2 up to \$277.13 per tonne;~~
 - ~~10.3 Hot Mix Paving Contract B1 up to \$1.42 per litre (oil) and \$54.90 per tonne (aggregate);~~
 - ~~10.4 Crushed Gravel up to \$2.41 for crush and stockpile and \$7.16 for crush and apply;~~
 - ~~10.5 Calcium Chloride up to \$470.02 per tonne.~~
- 1.3 ~~11.0 The Chief Administrative Officer and the Clerk shall be jointly authorized to commence, defend or continue any legal proceeding, whether before a court or administrative tribunal, and can jointly approve any settlement up to a monetary value of \$100,000.00. The Chief Administrative Officer and Clerk shall also be permitted to retain or refer any matter to external counsel.~~

- 1.4 ~~13.0 The Chief Financial Officer shall be authorized to extend the deadline for payment of taxes and or utilities, and to authorize utility bills to be sent in an amount consistent with the previous amount to be adjusted when normal operations resume, if necessary and in conjunction with deadlines by the County of Bruce and local school boards.~~
- 1.5 17.0 The Authority delegated above may only be exercised in accordance with the following criteria:
- 17.1 It is necessary to use the authority to address matters related to the covid-19 pandemic emergency;
 - 17.2 In the opinion of the Mayor and the Chief Administrative Officer, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.
 - 17.3 The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.
 - 17.4 The exercise of the delegated authority only applies to the areas of the Municipality of Brockton where it is necessary.

- 1 This By-Law shall come into full force and effect upon final passage.
- 2 That By-Law 2020-032 be hereby amended.
- 3 This By-Law may be cited as the “Amend Pandemic Delegation of Authority By-Law”.

Read, Enacted, Signed and Sealed this 7th day of April, 2020.

Mayor – Chris Peabody

Clerk – Fiona Hamilton