

# The Corporation of the Municipality of Brockton



## By-Law 2020-041

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

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**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 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*.~~

2.0 The Chief Administrative Officer and Chief Financial Officer are jointly delegated authority as the financial signing authority for expenditures outside the current approved budgets exceeding \$50,000.00.

3.0 The Chief Administrative Officer and Clerk are jointly delegated authority to approve, reject and execute any agreements of purchase and sale pertaining to the disposition of any real or personal property of the Municipality of Brockton, including any with a value exceeding \$50,000.00 at the time of disposal or for the acquisition of property;

4.0 The Chief Financial Officer and Clerk and/or the Chief Administrative Officer shall be jointly authorized to execute any Agreements with the Government of Ontario, the Government of Canada, or an agency of the Government of Ontario or the Government of Canada with respect to funding commitments for Brockton initiatives. The delegation also applied equally to any amendment or termination of such agreements.

5.0 The Chief Administrative Officer and Clerk are jointly appointed signing authority for all agreements or other legal documentation on behalf of the Municipality of Brockton.

6.0 The Chief Administrative Officer and Clerk are jointly appointed to approve all Site Plan Control Approvals and to authorize and execute Site Plan Control Agreements.

- 7.0 The Fire Chief and the Chief Administrative Officer shall be jointly authorized to approve and execute any agreements and or amendments to agreements, whether verbal or written, for the provision of fire dispatch services by the Municipality of Brockton and to reduce or restrict fire dispatch to ensure capacity to respond to fire suppression calls within the Municipality of Brockton.
- 8.0 The Chief Financial Officer and Chief Administrative Officer are jointly authorized to accept and award tenders to compliant contractors when recommended by the Municipal Engineers;
- 9.0 The Chief Administrative Officer and the Chief Financial Officer are jointly authorized to accept and award tenders for all other projects if within twenty percent (20%) of the amount included in the 2020 Municipal Budget.
- ~~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.~~
- ~~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.~~
- 12.0 The Chief Financial Officer shall have the authority to approve payment of the accounts and to evaluate any donation requests made by community organizations. The Chief Financial Officer shall also be authorized to approve budget variances within fifteen percent (15%) of the amount allocated in the 2020 Municipal budget.
- ~~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.~~
- 14.0 The Director of Operations shall be authorized to extend, reduce or terminate hours or service for the Greenock Landfill Site, the Brant Landfill Site, the Hanover Walkerton Landfill Site and the MTO Yard, and to redeploy equipment or staff within and amongst landfill sites.
- 15.0 The Chief Administrative Officer shall be authorized to develop, approve, implement or amend any administrative policies, procedures and practices, and shall be authorized to execute any other documents related to the general control and management of the affairs of the Municipality of Brockton for the purpose of ensuring its efficient and effective operations.
- 16.0 A transfer of \$10,000.00 from the Emergency Measures Reserve Fund is hereby authorized in anticipation of additional expenses related to the response of the pandemic.
- 17.0 In the event of unforeseen exceptional circumstances arising out of the emergency, the Chief Administrative Officer, in consultation with the Head of Council, may take any action outside the normal or strict terms of the delegated authority necessary to protect the health and well-being of residents or protect the property of the Municipality and Brockton and shall report such action as soon as possible to Council.

- 18.0 In the event that any individual fulfilling a position or title referred to in this by-law is unable to perform his or her duties, this by-law shall permit his or her alternate, as designated by the Chief Administrative Officer, to act in the place of such individual.
- 19.0 No delegation of authority in this by-law shall constrain or limit in any manner whatsoever any delegation of authority existing in any other Municipality of Brockton by-law or resolution; and in the event of any inconsistency between this by-law and any other Brockton by-law or Council resolution, the provision that most effectively delegates authority prevails to the extent of the inconsistency.
- 20.0 The delegation of authority in this by-law shall commence upon signing and continue in full force and effect until December 2020 unless terminated by Council.
- 21.0 The Authority delegated above may only be exercised in accordance with the following criteria:
- 21.1 It is necessary to use the authority to address matters related to the covid-19 pandemic emergency;
- 21.2 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.
- 21.3 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.
- 21.4 The exercise of the delegated authority only applies to the areas of the Municipality of Brockton where it is necessary.
- 22.0 This By-Law shall come into full force and effect upon final passage.
- 23.0 That By-Law 2020-032 be hereby amended.
- 24.0 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.**

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Mayor – Chris Peabody

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Clerk – Fiona Hamilton