
HALDIMAND COUNTY

Report CLE-13-2023 Delegated Authority Update

For Consideration by Council in Committee on November 21, 2023



OBJECTIVE:

To update the Delegated Authority By-law.

RECOMMENDATIONS:

1. THAT Report CLE-13-2023 Delegated Authority Update be received;
2. AND THAT the revised Delegated Authority By-law included as Attachment 1 to Report CLE-13-2023 be presented for enactment;
3. AND THAT an amendment to By-law 2156/20 be presented for enactment as outlined in Report CLE-13-2023.

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Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

Section 23.1 of the *Municipal Act, 2001* authorizes a municipality to delegate its powers and duties under the Act or any other Act to a person or body subject to certain restrictions. Since the establishment of Haldimand County, certain powers and duties have been delegated to staff and in 2021, a consolidated by-law was established as a central reference point. In order to provide clarity on certain authorities and to update a few more recent matters, a revised Delegated Authority By-law is being recommended.

BACKGROUND:

In December 2021, a consolidated by-law was enacted to delegate authority to staff, incorporating authority that had previously been delegated through individual by-laws or resolutions, and adding some additional matters in order to provide efficiencies in the administration of corporate business. Since that time, it has become apparent that a few items require some clarification, and some items are being recommended to be updated or added to address changed circumstances or matters that have arisen since the by-law came into effect. With the recent approval of a revised Procurement Policy, many existing authorities also require updated references.

ANALYSIS:

Many of the revisions in the Draft Delegated Authority By-law (included as Attachment 1) are minor in nature – they provide clarity as to whether an authority is delegated to multiple staff members on their own (either/or), or are provided jointly to more than one staff member. Other amendments correct titles or by-law numbers, and generalize a reference i.e. Procurement Policy, so that amendments are

not required when a policy is revised and renumbered. In some cases, conditions or restrictions are added to provide clarity to the context of the authority.

In 2013, By-law 1367/13 was enacted to provide the CAO with delegated authority through the Council summer recess period. As the authority only related to procurement, revised reference is required and rather than enacting a new separate by-law, the authority remains included in the Delegated Authority By-law with revised conditions, and By-law 1367/13 is being repealed.

In 2020, at the beginning of the pandemic, By-law 2156/20 was enacted, delegating authority to the CAO during a declared emergency. While the scope of the authority is broad and merits being outlined in a stand-alone by-law, it is considered expedient to add the following wording to the clause that authorizes awarding any bids for goods, services and construction to an unlimited dollar value and to reallocate approved budget funds as necessary to effect such purchases: “where the intent is to continue the core business of the municipality or for purchases directly associated with the emergency”. The change tightens the intent of this particular delegated authority, providing clarity.

Since the revised Procurement Policy (effective Jan. 1, 2024) was adopted at the November 6, 2023 Council meeting, staff have made a housekeeping amendment to Schedule B of the policy which identifies that in addition to the Council-approved thresholds for the authority to award, there is a corresponding authority to execute contracts, just as is currently included in Procurement Policy 2013-02. This additional wording provides clarity for the procurement process and allows contracts for works, goods or services that have been approved through the budget process, to proceed expeditiously and without unnecessary delay.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [*Municipal Act, 2001*](#)
2. [*Delegation of Powers and Duties Policy 2007-06*](#)

ATTACHMENTS:

1. Draft Delegated Authority By-law