

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW 24-1782

Being a By-Law to delegate certain powers and duties under the *Municipal Act, 2001, the Planning Act, and other Acts.*

WHEREAS section 5 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (*the Act*) provides that the powers of a municipality shall be exercised by its council, and shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

AND WHEREAS section 23.1 of *the Act* authorizes the Municipality to delegate certain of its powers and duties, subject to the restrictions set out in section 23.2;

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 implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and carry out other duties under this or any other *Act* and other duties assigned by the municipality;

AND WHEREAS the Planning Act, R.S.O. 1990 c. P. 13 permits the delegation of certain authority for the approval of planning matters to a committee of council, or an individual who is an officer, employee or agent of the municipality, in accordance with the provisions of the Planning Act;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami 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 Municipality of Temagami hereby enacts as follows:

PART I – SHORT TITLE

1. This By-Law may be referred to as the "Delegation of Powers and Duties By-Law"

PART II – DEFINITIONS

2. For the purposes of this By-law:

“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;

“CAO” means the Municipality’s Chief Administrative Officer appointed by Council by By-law, in accordance with 229 of *the Act*;

“Chief Building Official” or “CBO” means the Municipality’s Chief Building Official appointed by Council by By-law, pursuant to the Building Code Act, 1992, S.O. 1992, c. 23;

“Fire Chief” means the Municipality’s Fire Chief appointed by Council by By-law, pursuant to the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4;

“Clerk” means the Municipal Clerk appointed by Council by By-law, in accordance with 228 of *the Act*;

“Corporation” means The Corporation of the Municipality of Temagami;

“Council” means the elected Council of The Corporation of the Municipality of Temagami;

“Delegation of Municipal Powers and Duties Policy” means a policy that has been approved by Council in accordance with section 270(1)(6) of *the Act*;

“Deputy” means a person who is appointed by Council or otherwise empowered by legislation to act as a substitute for an Officer when required;

“Legal Proceeding” means any court or administrative tribunal proceeding commenced by, or against the Municipality;

“Limitation” means a restriction specified in Schedule “A”, which must be complied with prior to the exercise of the delegated authority;

“Officer” means a person who has been appointed by Council to a statutory administrative position, for example: CAO, CBO, Clerk, Fire Chief, Treasurer, and their Deputies;

“Procurement By-law” means the current Procurement By-law for the Municipality of Temagami, as it may be amended;

“Treasurer” means the Treasurer of the Corporation appointed by Council by By-law, in accordance with 286 of *the Act*;

“Usual Operations” means the activities and administrative decision making required as part of the day-to-day operations of the department in the ordinary course of business, which are not legislative or quasi-judicial in nature.

PART III – NATURE AND SCOPE OF DELEGATION OF POWERS AND DUTIES

3. Council hereby delegates the powers and duties set out Schedule "A", attached hereto and forming part of this By-law, to those officers, employees, and committees listed therein subject to any Limitations specified therein.
4. Notwithstanding the foregoing, Council retains the authority to reconsider, revoke or restrict, at any time and without notice, any delegated power that has been delegated pursuant to this By-law.
5. Where this By-law has delegated power to the CAO, if the CAO has in writing designated an Officer to serve as Acting CAO or where an Acting CAO has been appointed by Council, in the absence of the CAO, the Acting CAO may exercise the delegated power or duty.
6. Where this By-law has delegated power to any other Officer, where an Acting or Deputy Officer has been appointed by Council, or as otherwise been provided for in the applicable legislation, in the absence of the Officer the Acting or Deputy Officer may exercise the delegated power or duty.
7. Where this By-law has delegated power to any other employee of the Corporation, who is not an Officer or Deputy appointed by Council, in the absence of the employee, the CAO may exercise the delegated power or duty.
8. Except as otherwise required by law, should any position with delegated powers or duty identified in this By-law 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 in accordance with paragraphs 5, 6 and 7 above, until such time as the position is either no longer vacant, or an amendment to this By-law is made to create a new delegation for the corresponding delegated power or duty.
9. Unless specifically stated otherwise in this By-law, where the exercise of a delegated power or duty requires the expenditure of money or subjects the Corporation to a potential financial loss or obligation, funding for the expenditure or provision for the potential loss or obligation must be included in an approved budget and all relevant requirements of the Procurement By-law, as amended or replaced, from time to time, shall be followed as a condition to the exercise of the delegated authority.

PART IV – GENERAL

10. A document that may be executed under authority delegated by this By-law shall first be Approved by the CAO, or designate;
11. In the event of any inconsistency between this By-law or any other Municipality of Temagami Bylaw, the more restrictive provision shall prevail to the extent of the inconsistency.
12. Recognizing that Councils have made numerous delegations over many years, the Schedules to this By-law may include a list for information purposes of delegated powers and duties delegated through other by-laws, in order to provide a more comprehensive list of delegated powers and duties. The Municipal Clerk is hereby authorized to update any Schedule to include information on powers

and duties delegated by a previous by-law that is still in force, without an amendment to this by-law.

13. Any of the legislative powers delegated pursuant to this By-law are deemed to be of a minor nature within the meaning of subsection 23.2(4) of *the Act*.
14. Any reference to legislation, regulations or By-laws in this By-law shall be interpreted to include all amendments and any successor legislation thereof.
15. 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 all genders, unless the context requires otherwise.
16. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, then each and every other provision of this By-law authorized by law, shall be applied and enforced in accordance with its terms to the extent possible according to law.
17. With respect to monitoring and compliance, the "Delegation of Municipal Powers and Duties Policy", attached hereto as Schedule "B" and forming part of this By-law, shall be followed.

PART V – EFFECTIVE DATE

18. This bylaw shall come into force and take effect upon final passing thereof.

Taken as read a first, second, third time and finally passed this 14th day of November 2024;

Mayor

Clerk

Schedule A to Delegation of Powers and Duties By-Law 2024-1782

Section 1 – Delegation to the Chief Administrative Officer

#	Delegation	Conditions/restrictions
1.	Authority to develop, approve and implement administrative policies, practices and procedures for the purpose of ensuring the efficient and effective operation of the municipality and to implement council’s decisions.	Once approved, the written policy, practices and/or procedure documents shall be provided to Council for information purposes, in order to assist Council in fulfilling its stewardship role in accordance with subsection 224(d) of <i>the Act</i> , to ensure that such policies, practices and procedures are in place.
2.	Authority to develop, approve and implement controllership policies, practices and procedures for the purpose of ensuring oversight of financial activities, compliance with regulations, maintaining financial integrity and transparency, and providing accurate reporting to support effective decision-making by Council and Staff.	Prior to approval, new or substantially changed policies and procedures shall be submitted to the Municipal Auditor for review and comment. Once approved, the written policy, practices and/or procedure documents shall be provided to Council for information purposes, in order to assist Council in fulfilling its stewardship role in accordance with subsection 224(d) of <i>the Act</i> , to ensure that such policies, practices and procedures are in place.
3.	Authority to obtain legal advice/consultation on municipal matters without prior Council approval.	Limitation of \$10,000 per legal matter, with the aggregate limit for all matters combined being the amount in the approved municipal budget for that year. Where the budget has not yet been approved for a calendar year, the combined limit shall be not more than 30% of the prior year’s budget for legal advice/consultation. The CAO shall inform Council of all significant matters by means of a Confidential Written Report in a Closed Session (Reason for closed: advice that is subject to solicitor-client privilege, including communications necessary for that purpose).
4.	Authority to adjust employee compensation in accordance with the Council-approved Performance Management Policy and Salary/Wage Grid	Total adjustments shall not cause salaries/wages to exceed the approved budget amounts for the calendar year, without prior approval from Council.

5.	Authority to recommend to Council any appointment, promotion, demotion, suspension or dismissal of Level 2 Managers and statutory officers.	Recommendations shall be provided to Council by means of a Confidential Written Report in a Closed Session of Council (Reason for closed: labour relations or employee negotiations).
6.	Authority to hire, promote, demote, suspend, discipline and dismiss all employees except for Level 2 Managers and statutory officers.	Subject to the limitations of Ontario labour laws, and the approved Municipality of Temagami Human Resources, Performance Management, and Hiring Policies and Procedures, and the approved municipal budget. Dismissal of any employees with greater than years of continuous service with the Municipality of Temagami shall require prior consultation with Council.
7.	Authority to change job descriptions and assigned duties, except as prescribed by legislation, and/or appointed by By-law, and to adjust the reporting structure of all employees reporting directly and indirectly to the CAO.	Subject to the limitations of Ontario labour laws, and approved Municipality of Temagami Human Resources Policy.
8.	Authority to approve temporary staff positions (1-year duration or less) or to temporarily adapt existing part-time positions to full-time positions, or the reverse.	The CAO shall document that: a) Funds are available within the approved budget for salary/wages; b) All expenditures are deemed essential for purpose of achieving objectives of the Municipality; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position.
9.	Authority to waive or decrease fees for use of municipal facilities for established community groups for events beneficial to the community.	Community groups are eligible if they have previously been acknowledged / approved by the current or a previous Council as eligible for such decrease or waiver of fees. Events are applicable if they have been previously been approved by the current or a previous Council, or they are clearly, in the opinion of the CAO, of benefit to the community of Temagami as a whole.
10.	Authority to negotiate and settle claims against the Municipality within the insurance deductible limit.	Consultation with applicable staff, as appropriate.

Schedule A to Delegation of Powers and Duties By-Law 2024-1782

Section 2 – Delegation to the Treasurer

#	Delegation	Conditions/Restrictions
1.	Authority to mediate and settle proceedings at the Assessment Review Board and execute Minutes of Settlement of the Assessment Review Board.	Consultation with Tax Clerk. Minutes of Settlement must be in the best interest of the Municipality, in opinion of the Treasurer.
2.	Approval of property tax and/or water/sewer charge write-offs and increases resulting from gross or manifest errors.	Subject to the requirements of sections 357 to 359 of the Municipal Act. Amounts over \$10,000 shall be reported to Council as soon as practical, to inform them of the impact on the annual budget. A Closed Session report may be appropriate if it provides information regarding identifiable individual(s).
3.	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.	
4.	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements,	Subject to annual review and budget approval.
5.	Approval of all emergency expenditures deemed essential to mitigate an emergency incident, as per the Municipal Emergency Management Plan.	Consultation with the Community Emergency Management Co-Ordinator Report to Council as soon as practical, considering the nature of the emergency.
6.	Authorization to enter into arrangements for payment by alternative installments to allow taxpayers to spread the payment of taxes more evenly over the year	In accordance with Section 342 of the Municipal Act, and municipal budget/taxation by-laws.

Schedule A to Delegation of Powers and Duties By-Law 2024-1782

Section 3 – Delegation to the Clerk

#	Delegation	Conditions/Restrictions
1.	Signing Authority along with the Mayor for Agreements Under By-law and/or Pursuant to Tender Awards	All agreements authorized by municipal by-law, unless a signing officer or officers are specifically otherwise named in said By-law.
2.	The authority to affix the Corporate Seal to all By-laws, and to all agreements authorized by Council, and any other documents authorized by Council or authorized or required by legislation, including copies of documents certified by the Clerk as true copies.	Documents authorized by Council through resolution, by-law, or delegated authority, or authorized or required by legislation.
3.	Authority for municipal licensing	Subject to all applicable By-laws and policies, and to consultation with applicable department staff.
4.	Authority to issue lottery licences	Subject to the policies and requirements of the current AGCO Lottery Licensing Policy Manual. Includes the determination of licence fees in accordance with municipal by-laws and provincial legislation. (For Information: See By-law 70-52 or its successors.)
5.	Record Retention Administration, including the authority to destroy all documents for which the authorized retention period has expired.	In accordance with the records retention schedule. A record is to be kept of records that have been destroyed. (For information: See By-law 93-303 or its successors.)
6.		
7.	Authorization to update any Schedule of this By-law to include information on powers and duties delegated by a previous by-law that is still in force.	(For information: see section 12 of this By-law)

Schedule A to Delegation of Powers and Duties By-Law 2024-1782

Section 4 – Delegation to Fire Chief

#	Delegation	Conditions/Restrictions
1.	Authority to appoint a qualified person as a member of the volunteer fire department, where a vacancy exists.	The appointment shall not cause the number of firefighters to exceed the limit in the Fire Department Establishing and Regulating (E & R) By-law (By-law 21-1545 or its successors). Subject to the approved hiring policies of the Corporation of the Municipality of Temagami and the training and probationary requirements of the E & R By-law. The appointment shall be reported in the next regular department report to Council.
2.	Authority to reprimand, suspend or dismiss any member of the volunteer fire department, except a Deputy appointed by Council, for reasons outlined in the E & R By-law.	Suspensions and dismissals shall be reported to the CAO and Council. Dismissals shall be subject to appeal to the CAO, as outlined in the E & R By-law. As firefighters serve as volunteers, reports to Council may be made in closed session
3.	Authority to issue an open-air fire permit	Subject to the requirements and limitations in the Open-Air Burning By-law. This authority may be further delegated by the Fire Chief. (For Information: See By-law 11-976 or its successors.)

Schedule A to Delegation of Powers and Duties By-Law 2024-1782

Section 5 – Delegation to Public Works Superintendent

#	Delegation	Conditions/Restrictions
1.	Authority to temporarily close a road under municipal jurisdiction.	Road closures may be for road, water or sewer installation, repair or maintenance, or similar events. Road closures may be for the facilitation of Council sanctioned events, such as parades, celebrations, etc. Appropriate notice shall be given and signage posted, in a manner determined by the Public Works Superintendent or as directed by the CAO. Notice shall include advising staff at the Municipal Office for the purpose of answering public inquiries.

Section 6 – Delegation to Planning Coordinator

#	Delegation	Conditions/Restrictions
1.	Authority to approve plans and drawings, to impose conditions and to require site plan control agreements, where appropriate, as specified in the Site Plan Control By-law 07-728.	Note: Delegation made in the Site Plan Control By-law 07-728. In the event of a vacancy in or elimination of above position, the CAO is authorized to exercise this delegated authority. The CAO may further delegate this authority.



MUNICIPALITY OF TEMAGAMI POLICY MANUAL
SECTION: ADMINISTRATION
SUB-SECTION: COUNCIL
POLICY TITLE: **DELEGATION OF MUNICIPAL POWERS AND DUTIES**
SCHEDULE B TO BY-LAW 24-1782

PART I: POLICY STATEMENT

The Council of the Municipality of Temagami (the Municipality) is directly accountable for all municipal powers and duties as legislated under the Municipal Act, 2001 or any other applicable Act and at the same time recognizes that the delegation of municipal powers and duties may provide for improved efficiencies, the utilization of a particular expertise or enhanced engagement.

In determining any delegation of its powers and duties, Council shall abide by the legislative restrictions and shall also ensure that such delegation will be accomplished maintaining the principles of accountability and transparency.

PART II: PURPOSE

The Municipal Act, 2001 requires that all municipalities adopt and maintain a policy with respect to the delegation of municipal powers and duties. By-law 2024-xx, Delegation of Powers and Duties By-law, as amended or replaced, delegates administrative authority to senior management, officers, other staff, committees and boards, as applicable. This policy is to provide further guidance to Council, staff, and other delegates on the application and operation of the By-law, to set out the scope of the powers and duties which Council may delegate, and to establish principles governing such delegation.

PART III: BACKGROUND

Subsection 270 (1) (7) of the *Municipal Act, 2001* requires the Municipality to adopt and maintain a policy with respect to the delegation of its powers and duties.

PART IV: SCOPE

This policy applies to all delegations of municipal powers and duties to Officers, Staff, or Bodies, including but not limited to Committees and Boards, and to the revocation of such delegation. Council may choose to delegate administrative powers and duties, and certain legislative or quasi-judicial powers as permitted by and subject to the restrictions stipulated

in applicable legislation including, but not limited to, Sections 23.1 through 23.6 of the Municipal Act, Sections 39.2, 44, 45, 51.2, 54, and 70.2 of the Planning Act.

PART V: POLICY REQUIREMENTS

1. Except where deemed minor in nature, or as identified in this policy, delegations of municipal powers and duties shall be authorized by by-law. All delegation by-laws shall be in accordance with the provisions and restrictions established under the applicable legislation authorizing the delegation of specific municipal powers and duties. Changes to any delegation by-law shall be made by means of a by-law to amend or to repeal and/or replace said by-law.
2. Recognizing that Councils have made numerous delegations over many years, the "Delegation of Powers and Duties By-law" may include a list for information purposes of delegated powers and duties delegated through other by-laws, in order to provide a more comprehensive list of delegated powers and duties.
3. A delegation of a municipal power or duty to a person or body shall establish the scope of power applicable to the delegation and any restrictions to that power.
4. A person or body to whom a municipal power or duty has been delegated has no authority to further delegate any such power or duty, unless such sub-delegation is expressly permitted within the scope of the initial delegation.
5. Where appropriate, delegation of a municipal power or duty shall include a determination of whether such delegated authority will be subject to an appeal process and if so, a determination of the individual or body which will address such appeals.
6. A delegation of a municipal power or duty shall include any requirements for the delegate to provide reports to Council regarding the delegated power and duties.
7. In exercising any delegated power, the delegate shall ensure:
 - 7.1. Any expenditure related to the matter has been provided for in the current year's budget;
 - 7.2. The scope of the delegated authority shall not be exceeded by the delegate;
 - 7.3. Compliance with all Corporate policies, including those relating to purchasing, insurance and risk management; and
 - 7.4. The consistent and equitable application of Council policies and guidelines.
8. Delegation of a power or duty to an employee of the municipality shall be subject to the approval of the Chief Administrative Officer (CAO).

PART VI: RESPONSIBILITY

The Municipal Clerk is responsible for receiving complaints and inquiries related to this policy and the exercise of delegated authority. Upon receipt of a complaint, the Clerk shall notify Council and the Chief Administrative Officer.

Schedule "B" to By-Law 24-1782

Where applicable, departments are responsible for reporting to Council on the exercise of delegated authority through the Chief Administrative Officer, on the number and nature of the delegations exercised, and confirming compliance with the limitations on the exercise of the delegated power or duty.

PART VII: REVIEW

All delegation of powers and duties set out in the Municipal Powers and Duties By-law shall be reviewed every term of Council. Best practice would be for this to be reviewed early in the term of Council, in conjunction with a review of this policy. This policy and the Delegation of Powers and Duties By-law shall be reviewed more often if required due to legislative changes.

Approval Date:		Resolution #:	
Amendment Date:		Resolution #:	
Amendment Date:		Resolution #:	
Amendment Date:		Resolution #:	