

# **THE CORPORATION OF THE TOWNSHIP OF CRAMAHE**

## **BY-LAW NO. 2020-20**

### **A by-law to delegate certain powers and duties to officers and employees**

**Whereas** the Council of the Township of Cramahe is authorized to enact a by-law to delegate powers and duties under section 23.1 of the Municipal Act, 2001, as amended; and

**Whereas** the Council of the Township of Cramahe deems it appropriate in the interests of efficient and responsive decision making and management of municipal operations to make delegations of powers and duties; and

**Whereas** it is deemed advisable to appoint an Acting CAO to act in the event that the CAO is absent or unable to carry out their duties through illness or otherwise; and

**Whereas** Council wishes to supplement certain specific delegations of powers and duties which have occurred by enacting this by-law to authorize and govern more general delegations,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Cramahe hereby enacts as follows:

1. **That** the Chief Administrative Officer (CAO) is, pursuant to section 229 of the Act, responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality. The CAO is accordingly delegated all of those powers and duties of the municipality, including its powers of a natural person pursuant to section 9 of the Act, necessary to enable him or her to effectively discharge such responsibilities and duties in accordance with such decisions and directions of the Township as may be made and given from time to time; and
2. **That** in the absence or incapacity of the CAO, the Clerk be appointed as Acting CAO, and given the Clerk's absence or incapacity, the Manager of Planning and Development be given the full power and authority to act in the place and stead of the CAO in the event of a planned or unplanned absence; and
3. **That** the CAO shall co-ordinate and supervise the implementation of and ensure the effective administration of all programs and policies initiated

and adopted by the Council and of all projects and undertakings initiated by or under his or her own direction within the strategic policy framework adopted or endorsed by Council; and

4. **That** for the purposes of discharging his or her statutory responsibilities or exercising authority delegated to him or her under this by-law, the CAO is authorized to make a determination of the will of Council and of the nature and extent of decisions and directions of Council, which shall be deemed to be conclusive subject only to such clarification, revision, or correction as Council shall itself express by means of informal direction, a resolution or by-law; and
5. **That** the CAO:
  - (a) may create positions of employment within the framework of a Council adopted framework of complement management provided that the funding necessary for such positions is available in the approved annual corporate budget; and
  - (b) is authorized to create, administer and enforce the Township's human resource functions and policies;
6. **That** the CAO is authorized to consent on behalf of the Township and upon such terms and conditions as she or he deems appropriate, to the use by any other person, corporation, partnership, association or any other body whatsoever of the Township's property protected by copyright, trademark or patent, upon determining that the granting of such consent will be in the interests or will not detrimentally affect the interests of the Township; and
7. **That** for the purposes related to the administration of the Township and subject to such limitations as are imposed by law upon access to personal information, the CAO shall have full, free and unrestricted access to all records, reports, information, property and communication with personnel of the Township and suppliers of goods and services to the Township; and
8. **That** the CAO is authorized to implement such changes to the Township's organizational structure as in his or her opinion will improve its effectiveness or efficiency provided that:
  - (a) changes do not detrimentally impact levels of service to the public;
  - (b) The costs of implementing the changes may be met within the annual Council approved budget for the Township and will not result in future annual budgetary requirements in excess of those

which would have been required under an unchanged organizational structure in any event;

**9. That** the CAO is authorized to approve and enter into leases of Township-owned land and buildings if:

(a) selection of the tenant was based on a competitive process, or the result of a renewal of a longstanding lease with a community partner;

(b) the rent to be charged is at fair market value, or a rate that can be justified as being of fair value considering the intended use of the space or the offering of additional subsidies;

(c) the term of the lease does not exceed ten (10) years (including renewals); and

(d) the rent to be paid to the Municipality, excluding any amounts paid to the Municipality as a sharing of revenue earned by the lessee, does not exceed \$100,000 per year;

**10.** The delegations of powers and duties under this by-law are nonexclusive and may be revoked by Council without notice; and

**11.** That the CAO shall not:

(a) unilaterally make changes to his/her salary; and

(b) establish current compensation and benefits for the Township that deviates materially from the geographic or professional market for skills employed;

**12. That** the exercise by Council of its authority respecting the powers and duties delegated under this by-law shall take precedence over and supersede their exercise by a delegate, whether or not Council chooses to revoke any such delegation; and

**13. That** a delegation under this by-law shall operate as a delegation to the person acting in the capacity of the delegate from time to time; and

**14. That** a delegate of a power or duty may sub-delegate the exercise of the power or the discharge of the duty provided that the initial delegate shall remain responsible to Council regarding the exercise of the power or discharge of the duty, despite the sub-delegation;

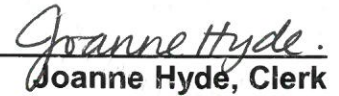
**15. That** this by-law supersedes any Township policies relating to Human Resources; and

**16. That** that this by-law may be referred to as the "Delegation of Powers and Duties By-law".

**Read a first, second and third time and finally passed this 4th day of February 2020.**



**Mandy Martin, Mayor**



**Joanne Hyde, Clerk**