



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** January 22, 2018

**Report Number:** SRCAO.18.01

**Department:** Office of the Chief Administrative Officer

**Subject:** **SRCAO.18.01 – Review of Policies Under Section 270 of the Municipal Act, 2001 – Revised Delegation Policy**

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### **Purpose:**

The purpose of this report is to present Council with an updated Delegation Policy. The report also recommends revisions to various existing delegations as well as new delegations to the Clerk in connection with this Delegation Policy and to the Chief Administrative Officer in relation to approving certain agreements and documents.

### **Recommendation(s):**

1. That the revised Delegation Policy attached as Appendix “B” to SRCAO.18.01 be approved.
2. That the required by-law(s) to give effect to the revisions to existing delegated authorities set out in Appendix “C” as well as to any further revisions required due to organizational changes be enacted.
3. That the Clerk be authorized to:
  - i. update Schedule A of the Delegation Policy attached as Appendix B to SRCAO.18.01 upon the approval, revision or the revocation of any delegation by Council; and
  - ii. make any clerical revisions required to ensure the accuracy and completeness of Schedule A.
4. That the Chief Administrative Officer (CAO) be delegated the authority to approve the entry into, and to execute, confidentiality agreements and other agreements or documents where the CAO deems the subject-matter of the agreements or documents to be of a minor nature.
5. That By-law 255-81, being Chapter 165 of the Town’s Municipal Code, as amended, be further amended as follows:

- i. By deleting Section 2(h), being Section 165.2.8 of the Municipal Code and replacing with:

“The Chief Administrative Officer shall be responsible for the appointment, employment, suspension and dismissal of Department Heads and shall have all the necessary ancillary powers and duties that are required in connection with the administration of such responsibilities, including the negotiation and execution of any and all agreements and documents”; and

- ii. By adding the following provision:

“Notwithstanding any other provision of this by-law, the Chief Administrative Officer may further delegate the following power and duties as set out below:

- .1 the power to appoint and employ any employee to any Commissioner or Director whose department the employee reports to;
- .2 the power to suspend any employee to any Commissioner whose department the employee reports to;
- .3 the power to dismiss:
  - A. non full-time employees to any Commissioner whose department the employee reports to; and
  - B. full-time employees jointly to any Commissioner whose department the employee reports in conjunction with the Commissioner of Corporate and Financial Services.

Such further delegation must be made in writing and any limitation on the delegation must be expressly set out in the written delegation.”

6. That the Clerk be authorized to complete and execute the Alcohol and Gaming Commission’s prescribed forms in connection with the approval of a liquor license subject to consultation with other appropriate Town staff.

### **Contact Person:**

Tricia Myatt, Manager, Policy and Intergovernmental Affairs, ext. 5463  
Stephen M.A. Huycke, Director, Legislative Services/Town Clerk, ext. 2529

Andreea Adari, Assistant Town Solicitor, ext. 3820

## **Report Approval:**

**Submitted by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

## **Background:**

Section 270 of the *Municipal Act, 2001* requires that municipalities adopt policies with respect to the following matters:

- sale and disposition of land;
- hiring of employees;
- procurement of goods and services;
- the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;
- the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

the delegation of authority of its powers and duties.

Richmond Hill has policies in place regarding each of these areas. As identified in Staff Report SRCAO.15.16, staff was undertaking a review of these policies. Council adopted a revised Accountability and Transparency on October 24, 2016, a new Procurement and Financial Control Framework on December 12, 2016 and a new Sale and Other Disposition of Land Policy on July 10, 2017.

## **Richmond Hill's Current Delegation of Powers and Duties Policy**

On December 10, 2007, Council approved the Delegation of Powers and Duties Policy attached as Appendix A to SRCAO.18.01. This Policy sets out the principles governing the delegation of powers and duties, which are reflective of the applicable provisions of the *Municipal Act, 2001*. The Policy also sets out the parameters within which powers and duties may and may not be delegated.

## **A Review of Other Municipalities' Delegation of Powers and Duties Policies**

Similar delegation policies of a number of municipalities (Brampton, Oakville, Ottawa, London, Vaughan, Peterborough and Welland) were reviewed. Given that the manner in which Council can delegate its powers is highly prescribed in the *Municipal Act, 2001*, the policies are generally consistent, but there are some variations. For instance, some policies reiterate the provisions of the Act (as does the Town's), while others simply state that the Act must be complied with. Staff are proposing that the Town not change its approach as including all applicable parameters for delegations make for a more comprehensive and clear policy.

Staff have noted that other municipalities' policies include items not currently included in the Town's policy, such as an inventory of delegated powers and duties, definitions and roles and responsibilities. Based on the review, staff recommend that the Town's Delegation of Powers Policy be expanded to add similar provisions, including the addition of a scope section to clearly define the application of the Policy as well as a responsibilities section. In addition, staff recommend that a consolidated list of existing

delegated powers and duties be included and amended from time to time by the Clerk to ensure its accuracy and to incorporate new, revised or revoked delegations. The proposed revised policy is attached as Appendix B to this staff report SRCAO.18.01, and includes the list of existing delegated powers in Schedule “A” of Appendix B.

## **Revisions to Existing Delegations**

In compiling the inventory of existing delegations attached to the updated Delegation of Powers and Duties Policy (Schedule A to Appendix B of SRCAO.18.01), staff have noted some delegations that are not reflective of current practices and require revisions. Additionally, Council recently received Staff Report No. SRCAO.17.23 regarding the implementation of the Management Structure Review which will require further revisions. Accordingly, staff recommend that the Clerk be directed to bring forward any necessary by-law(s) to effect the revised delegations set out in Schedule C and any further revisions that may be required due to organizational changes.

## **New Proposed Delegated Powers**

Pursuant to the *Municipal Act, 2001*, the Chief Administrative Officer (CAO) is 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 and is also responsible for performing such other duties as assigned. Although there have been various duties delegated to the CAO as set out in the list of delegated powers in Schedule A to Appendix B of this Staff Report SRCAO.18.01, the CAO does not have any general delegated authority for signing agreements on behalf of the Town. From time to time, various agreements and documents require Town representative’s signatures, such as confidentiality agreements in association with procurement and other matters, as well as other various agreements or documents that would be considered non-contentious or routine. At this time, separate staff reports are required for all agreements and documents, regardless of their substance, other than those for which there already exists express delegated authority.

It is the view of staff that providing the CAO with a general delegated authority similar to that given to the CAO during summer recess for entering into agreements or signing documents where the CAO deems the subject-matter of the agreement or document to be of a minor nature would enable the CAO exercise better control and management of the affairs of the Town, result in further streamlining of administrative matters and allow Council to focus on more substantive and strategic responsibilities.

The current by-law that delegates various duties to the CAO is fairly outdated having been passed in the early 1980s when the organization was much smaller in size. In the current organization, the CAO still has direct accountability for the numerous operational matters that are administered by and/or that have been delegated over time to each of the organization’s departments led by Commissioners (i.e. Department Heads). To ensure the CAO has full control over the operations for which the CAO is ultimately accountable, it is recommended that the CAO be delegated all the responsibilities in

connection with the appointment, employment, suspension and dismissal of Commissioners that currently with Council.

Additionally, the CAO's by-law does not provide for the ability to further delegate any of the CAO's powers. The ability of the CAO to further delegate certain powers to Commissioners and Directors, particularly those for employment-related decision making in their departments or divisions, would enable the CAO to make those with more direct operational control accountable for these decisions. Accordingly, it is recommended that the CAO's By-law be further amended to provide for such further delegation.

Lastly, staff recommend that a new delegation to the Clerk be added to confirm the existing practices related to the issuance of liquor licences by the Alcohol and Gaming Commission of Ontario (AGCO). There are two forms regularly required to be signed in support of liquor license applications. The first of these, a Municipal Information form requires the Clerk to confirm the status of the municipality as a "wet" municipality in connection with the liquor license application on the basis of no by-law having been passed to the contrary. The second form requires the signature of an approving official confirming that the Town has no objections to the use of the facility that is the subject of the application as a licensed premises. The Clerk would only execute this form upon confirmation from the Building and Fire Departments that there are no concerns.

### **Financial/Staffing/Other Implications:**

There are no financial, staffing or other implications with respect to this report.

### **Relationship to the Strategic Plan:**

Undertaking a review of the Town's Delegation of Powers and Duties and proceeding in the manner recommended by this report aligns with Goal 4 of the Strategic Plan, "Wise Management of Resources in Richmond Hill".

### **Conclusion:**

The review of the Delegation of Powers and Duties Policy has provided an opportunity to determine what, if any, changes are needed to the current Policy so it continues to meet the needs of the Corporation and the intent of the *Municipal Act, 2001*. This review included benchmarking of other municipal policies, as well as, an opportunity to identify a number of new actions the Town has taken with respect to delegation of powers and duties since the Policy was first approved in 2007. The proposed updated policy reflects these changes. Additionally, the approval of the delegations outlined in this report will result in further streamlining of certain administrative matters and will allow Council to focus on more substantive and strategic responsibilities.

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A: Richmond Hill's Current Delegation of Powers and Duties Policy
- Appendix B: Proposed Updated Delegation of Powers and Duties Policy
- Schedule "A" of Appendix B – Consolidated List of Existing Delegated Powers and Duties
- Appendix C: Proposed Revisions to Existing Delegations

### Report Approval Details

Document Title:	SRCAO.18.01.docx
Attachments:	<ul style="list-style-type: none"><li>- APPENDIX A TO SRCAO 18 01.pdf</li><li>- AODA - Appendix B to SRCAO 18 01 - Delegation Policy.docx</li><li>- AODA - Schedule A of Appendix B to SRCAO 18 01 - Delegation Policy 2018 - Consolidation of Existing Delegations.docx</li><li>- APPENDIX C TO SRCAO.18.01.docx</li></ul>
Final Approval Date:	Jan 8, 2018

This report and all of its attachments were approved and signed as outlined below:

**Neil Garbe - Jan 8, 2018 - 3:24 PM**