

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

**A BY-LAW TO DELEGATE POWERS AND DUTIES TO OFFICERS,
EMPLOYEES AND AGENTS OF THE CORPORATION OF THE
TOWNSHIP OF WEST LINCOLN.**

WHEREAS Section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25 indicates that the purpose of a municipality is to be a responsible and accountable government with respect to matters within its jurisdiction and each municipality is given powers and duties under the *Municipal Act, 2001*, and many other Acts for the purpose of providing good government with respect to those matters;

AND WHEREAS paragraph 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass By-Laws respecting services and things that the municipality is authorized to provide;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its power and duties;

AND WHEREAS, Section 270 (1) of the *Municipal Act, 2001*, S.O. 2001, requires, in part, that a municipality adopt and maintain policies with respect to the delegation of its powers and duties;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln adopted By-Law 2007-143 which adopted a policy with respect to delegation of powers and duties for the Corporation of the Township of West Lincoln which requires that all delegations be authorized by By-Law;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enact a Consolidated Delegated Authority By-Law to outline all authorities that have been delegated to Officers, Employees and Agents of the Corporation of the Township of West Lincoln.

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
ENACTS AS FOLLOWS:**

1. That authority is delegated to specified Officers, Employees and Agents to act, subject to limits and restrictions, as described in all Schedules attached to this By-Law, which forms part of this By-Law; and,
2. That any delegated authority is granted only to the Officer, Employee or Agent holding the corresponding Officer, Employee or Agent position listed under the "Delegate" column in each Schedule and includes any Officer, Employee or Agent holding that position on a permanent, temporary or acting basis. In addition, the delegation is also granted to the corresponding Officer, Employee or Agent's direct supervisor, and each direct supervisor above that position in the corporate structure, up to and including the Chief Administrative Officer; and,
3. That where any delegation of authority to any Officer, Employee or Agent or their supervisor is not permissible at law, such as in the instance where a professional qualification or licence is required to exercise the authority, then the delegation is deemed not granted to that Officer, Employee or Agent or their supervisor but

does not affect the delegation of any other Officer, Employee or Agent or their supervisor; and,

4. That no further delegation of the authorities contained in this By-Law is permitted without Council approval, either with respect to the authority and limits of the delegation or the persons to whom the delegation is sought; and,
5. That where a delegated authority involves the expenditure of funds and/or commitment of resources, the delegated authority must be exercised within the Council approved budget for that matter; and,
6. That where a delegated authority has a fixed dollar amount, the value is deemed to be exclusive of taxes; and,
7. That Officers, Employees and Agents with delegated authority under this By-Law shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions; and,
8. That if an Officer, Employee or Agent has a conflict of interest, as per the Employee Code of Conduct, related to a delegated authority, the Officer, Employee or Agent must not exercise their delegated authority and must report the conflict of interest to their supervisor; and,
9. That this By-Law supersede any previous By-Laws that have not yet been repealed or amended and that which contradict the delegated authorities detailed within the Schedules attached to this By-Law; and,
10. That this By-Law be superseded by any active contracts, service agreements, or any other legally-binding documents wherein any powers or duties of the Corporation of the Township of West Lincoln have been delegated to an Agent or any other third-party contractor or service provider of any kind; and,
11. That in the event of any inconsistency between this By-Law and any other By-Law of the Municipality, the provision that more effectively delegates authority prevails to the extent of the inconsistency; and
12. That the delegation in this By-Law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 16
DAY OF DECEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

Schedule "A"
Delegated Municipal Powers and Duties

	Delegation	Delegate	Limitation
CAO OFFICE			
Chief Administrative			
1	A by-law to provide for the appointed office of Chief Administrative Officer and to define the duties and responsibilities of the position	CAO	Subject to the limitations set out in the by-law. By-law 2024-38
2	Apply for, negotiate, enter into, and execute grant agreements and applications for federal, provincial or other grant funding to the town in amounts over \$250,000.00	CAO Director of Corporate Services and CFO to be secondary signature	Relevant department to review and prepare grant application in consultation with Finance and Legal
3	Execute agreements and other documents related to the general management of the affairs of the Township and negotiate, and enter into and execute agreements for the purposes of a capital project as required to implement an approved capital project, up to \$100,000.	CAO / Clerk	Relevant department to review and prepare document in consultation with Finance and Legal. Capital project approved by Council through the budget process or other means, alignment with Purchasing Policy
	Delegation	Delegate	Limitation
4	The hiring, dismissal, and negotiation related to any employee of the Township (Excluding Statutory Officers without Council Approval)	CAO	(Excluding Statutory Officers without Council Approval)
5	Administer the salaries and performance review of any direct report staff, oversee the collective bargaining process, and adjust staffing levels to maintain Council approved programs and services.	CAO	
6	Authority to make any expenditures or incur liability which exceeds \$50,000, that was not included in the most recent budget adopted by the council before nomination day in the election	CAO	

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