

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 24, Report No. 21, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 19, 2018, as follows:

***By approving the confidential recommendation of the Council (Closed Session) meeting of June 19, 2018;***

***By approving the following in accordance with communication C6, from the Deputy City Manager, Planning and Growth Management, dated June 19, 2018:***

- 1. That Attachment 1, being Schedule "A" to this Communication, be added as additional delegated authority for the Policy Planning and Environmental Sustainability Department to Schedule "A" of Item 5.24 "DELEGATION OF AUTHORITY" of the Committee of the Whole June 5, 2018; and***
- 2. That Council authorize the delegation of authority to those members of staff designated in Attachment 1 of this Communication subject to the conditions set out therein, pursuant to Section 23.1 of the Municipal Act, 2001 and such other applicable legislation, and that said authority be implemented through the enactment of a by-law; and***

***By approving the following in accordance with communication C11, from the City Manager, dated June 19, 2018:***

- 1. That Council receive a confidential verbal communication related to this report in relation to labour relations***

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#### **24 DELEGATION OF AUTHORITY**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Solicitor, Deputy City Manager, Planning and Growth Management, Chief Corporate Initiatives and Intergovernmental Relations, and City Clerk, dated June 5, 2018:

##### **Recommendations**

1. THAT Council authorize the delegation of authority to those members of staff designated in Schedule "A", subject to the conditions set out therein, pursuant to Section 23.1 of the Municipal Act, 2001 and such other applicable legislation, and that said authority be implemented through the enactment of a by-law.

Item:



## Committee of the Whole Report

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**DATE:** Tuesday, June 05, 2018

**WARD(S):** ALL

**TITLE: DELEGATION OF AUTHORITY**

**FROM:**

Claudia Storto, City Solicitor

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

Tim Simmonds, Chief Corporate Initiatives and Intergovernmental Relations

Todd Coles, City Clerk

**ACTION:** DECISION

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### **Purpose**

The *Municipal Act, 2001* permits certain delegations of Council's legislative and administrative authority and requires that all municipalities adopt and maintain a policy with respect to such delegation, setting out the scope of the powers and duties being delegated and to establish principles governing such delegation.

The purpose of this proposed delegation of authority is to seek Council's approval to delegate certain matters to staff to promote efficiencies in managing daily business, where feasible, particularly during the summer hiatus and the municipal election period.

## **Report Highlights**

- The proposed Delegation of Authority By-law will delegate certain authorities to be exercised by staff in two circumstances: at all times or during Council summer hiatus (i.e. the period of time between the last meeting of Council prior to the summer hiatus period and the first meeting of Council after the summer hiatus period) and the municipal election period (i.e. the period of time between the last meeting of a term of Council and the first meeting of the next term of Council).
- Staff recommends the approval of the implementing by-law as it will ensure the continuity of business and the delivery of uninterrupted customer service during the prescribed periods, where permitted by the *Municipal Act*.

## **Recommendations**

1. THAT Council authorize the delegation of authority to those members of staff designated in Schedule “A”, subject to the conditions set out therein, pursuant to Section 23.1 of the *Municipal Act, 2001* and such other applicable legislation, and that said authority be implemented through the enactment of a by-law.

## **Background**

### ***Continuity is required to ensure timely delivery of the City’s projects and services***

Sections 23.1 and 23.2 of the *Municipal Act, 2001* provide that municipalities may delegate their powers and duties subject to certain conditions. Generally, administrative powers may be broadly delegated to committees, individual members of Council, or staff.

Section 270 of the *Municipal Act, 2001* requires municipalities to adopt and maintain a policy regarding the delegation of its powers and duties.

Section 102.1 of the *Municipal Act, 2001* contains a general power for the Council of a municipality to delegate any powers, duties or functions that are administrative in nature to either a committee of Council or to staff. This authority must be exercised by by-law which can impose conditions on the exercise or performance of the delegated powers, duties or functions.

## **Previous Reports/Authority**

N/A

## **Analysis and Options**

Council’s ability to delegate its powers and duties under the *Municipal Act, 2001* is set out in section 23.1. This discretionary authority permits Council to delegate many of its

various legislative and administrative powers and duties, subject to any limits or conditions as prescribed.

Delegating some of its powers and duties would streamline Council's decision-making process. The efficient management of the City and the need to respond to issues in a timely manner requires the delegation of certain powers and authority to staff, particularly during extended periods of time between Council meetings. This can be accomplished through the delegation of certain functions pursuant to the *Municipal Act, 2001*, as amended, in addition to other legislation such as the *Planning Act*, as amended.

Over time, Council has enacted various by-laws delegating certain authorities to staff as the need has arisen in order to expedite approval processes and service delivery. Staff has reviewed current departmental needs and considered ongoing projects and activities that may be impacted by the summer hiatus in Council meetings and the election period. As a result, it is recommended that the authorities as set out in Schedule "A" attached to this report be delegated to the designated members of staff.

In accordance with the *Municipal Act, 2001*, the delegation of authority does not preclude staff from seeking Council direction on delegated matters where warranted. Council also maintains the ability to alter or revoke a delegated authority. Additionally, staff will report to Council after the hiatus and election period to identify where delegated authority was used during these periods.

With the rapid growth and pace of activity in Vaughan, delegation allows routine matters to be dealt with on a more expeditious basis. This is consistent with the priorities previously set by Council and ties into the Vaughan Vision 20/20 Goals of Service Excellence and to Enhance Productivity, Cost Effectiveness and Innovation.

## **Financial Impact**

There are no direct financial implications associated with this report.

## **Broader Regional Impacts/Considerations**

N/A

## **Conclusion**

Pursuant to the *Municipal Act*, Council may delegate certain powers and duties to Committees of Council or appointed officers or employees. Periods of time where there are no meetings of Council scheduled impact the ability of the administration to obtain direction in a timely manner, resulting in challenges to the continuity of City business and the uninterrupted delivery of customer service. As these are key elements of the City's Service Excellence Strategy, it is recommended that the delegation of authorities set out in Schedule "A" of this report be approved.

## **Attachments**

Schedule "A" – Delegated Authority

## **Prepared by:**

Claudia Storto, City Solicitor

Michael Toshakovski, Director, Legal Services