

The Corporation of the Town of Aurora

By-law Number XXXX-22

Being a By-law to define the delegation policies and procedures during the Election Period.

Whereas subsection 23.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") authorizes a municipality to delegate its powers and duties under the Act or any other act to a person or body subject to any restrictions set out;

And whereas paragraph 3 of subsection 275(1) of the Act states that the council of a local municipality shall not take any action described in subsection 275(3) of the Act after the first day during the election for a new council on which it can be determined that the new council to take office following the election will have less than three-quarters of the outgoing members or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council;

And whereas subsection 275(3) of the Act states that the actions referred to in subsection 275(1) of the Act are: (a) the appointment or removal from office of any officer of the municipality; (b) the hiring or dismissal of any employee of the municipality; (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and (d) making any expenditures or incurring any other liability which exceeds \$50,000;

And whereas subsection 275(6) of the Act states that nothing in section 275 of the Act prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council;

And whereas the Council of the Town deems it necessary and expedient to delegate authority during the Election Period;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1. In this by-law, the following words have the following meanings:
 - (a) **"Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
 - (b) **"CAO"** means the Chief Administrative Officer of the Town or his/her designate;
 - (c) **"Council"** means the Council of The Corporation of the Town of Aurora;
 - (d) **"Election Period"** means the period of time in the year of a regular municipal election starting from Nomination Day and ending on November 14, 2022
 - (e) **"Municipal Elections Act"** means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended;
 - (f) **"Nomination Day"** means the third Friday in August in the year of a regular election, as defined in section 31 of the Municipal Elections Act, being Friday, August 19, 2022;

- (g) **"Term"** means all the offices to which the Municipal Elections Act applies and shall begin on November 15, 2022 and end on November 14, 2026, as defined in subsection 6(1.1) of the Municipal Elections Act;
 - (h) **"Treasurer"** means the Treasurer of the Town or his/her designate; and
 - (i) **"Town"** means The Corporation of the Town of Aurora.
- 2. This by-law shall only apply during the Election Period, before and after which time this by-law shall be void and of no force and/or effect.
 - 3. During the Election Period, if at any time it becomes mathematically impossible for three-quarters of the members of the outgoing Council (less than 6) to be re-elected, thereby subjecting Council to the restrictions contained in Section 275 of the Act, the following authority be and is hereby delegated to the CAO:
 - (a) the acquisition and disposition of any real or personal property of the municipality which has a value up to \$50,000 at the time of disposal, including the signing of any and all agreements and ancillary documents required to give effect to same;
 - (b) the acquisition and disposition of any real or personal property of the municipality with a value exceeding \$50,000 which has previously been considered and endorsed by Council, and which in the opinion of the CAO, furthers the interests of the Town, including the signing of any and all agreements and ancillary documents required to give effect to same;
 - (c) authorizing procurement awards, making any expenditures and incurring any other liability not included in any approved budget, up to \$100,000 in respect of each of any one issue, item or project;
 - (d) authorizing procurement awards and spending beyond an existing approved capital budget, to a cumulative total of not more than fifteen percent (15%) of the last Council approved budget and funding amount for each such project; and
 - (e) entering into and signing any agreements, which the entering into and signing thereof is not yet delegated, that in the opinion of the CAO, furthers the interests of the Town, including any and all documents and ancillary documents required to give effect to same.
 - 4. The CAO and Treasurer be and are hereby delegated the authority to approve and execute non-standard procurement contracts which exceed \$250,000.
 - 5. The CAO shall prepare a summary information report to Council (prior to the end of the first quarter of 2023) setting out the details of any action taken or authority exercised pursuant to this by-law.
 - 6. This by-law shall take precedence in the case of any conflict or inconsistency with any other Town by-law, policy or procedure.

Enacted by Town of Aurora Council this 12th day of July, 2022.

Tom Mrakas, Mayor

Michael de Rond, Town Clerk