



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2007-114

A BY-LAW TO DELEGATE ADMINISTRATIVE MATTERS TO STAFF.

WHEREAS Council of the Corporation of the Town of Newmarket adopted the recommendations in Legal and Development Services Report 2004-23 respecting the preparation of a comprehensive delegation by-law;

AND WHEREAS Council directed staff to prepare the appropriate delegation by-law for Council approval;

AND WHEREAS it is deemed expedient to incorporate into this by-law previously approved delegations of authority and to consolidate all by-laws that delegate administrative responsibilities to staff;

AND WHEREAS Section 9 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

AND WHEREAS Section 227 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides that it is the role of officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;

AND WHEREAS Council may pursuant to Section 23.3 of the *Municipal Act 2001*, S.O. 2001 c. 25 delegate its powers, duties and functions subject to the limitations as set out in the *Municipal Act 2001* and any other applicable Act(s) in order to maximize administrative and operational efficiency;

AND WHEREAS in order to manage and improve customer service, as well as expedite the conduct of the Town's business in a more efficient and effective manner;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. This by-law may be cited as the Delegation Authority By-law.

#### INTERPRETATION

2. In this by-law

"Council" means the Council of the Corporation of the Town of Newmarket.

"Highway" means any public highway, road or street under the jurisdiction of the Town and shall include any bridge, sidewalk, boulevard, median, lane, alley, square or thoroughfare.

"Mayor" means the Mayor of the Corporation of the Town Of Newmarket.

"Purchasing By-law" means the Purchasing By-law in effect from time to time.

"Town" means the Corporation of the Town of Newmarket.

#### DELEGATION OF AUTHORITY

3. Council hereby delegates to those persons holding the position set out under the heading "Approval Authority" in Schedules "A" to "E", to this by-law, the powers, duties and functions of Council as set out in those Schedules subject to any terms, conditions or limitations on that delegated authority.

4. Council hereby delegates to those persons, positions and offices listed in paragraph 6 herein the authority to prepare and execute any documents or contracts not specifically listed on Schedules "A" to "E" to this by-law if the document or contract is necessary to give effect to an agreement or action approved by Council.

#### DELEGATION TO PERSONS HOLDING POSITION

5. Where this by-law delegates a power, duty or function to a named position, the delegation is to the person who, from time to time, holds the position and to any person who, from time to time, is the Deputy or Assistant Director or designate of the person who holds the position. In the event that any position under the heading "Approval Authority" in Schedules "A", "B", "C", "D" and "E", is renamed, this by-law continues to apply to such renamed position.
6. In the event that any named position is both approval authority and signing authority in connection with any delegated function as set out in Schedules "A" to "E", the approval authority shall be the direct supervisor of the position that has signing authority for the delegated function.

#### APPOINTMENT OF SIGNING OFFICERS

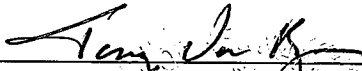
7. Subject to the requirements of this by-law and any statute regarding the execution of any particular kind of document an employee or officer of the Corporation, who at the time of execution of any document holds any of the following offices or positions, is a signing officer of the Corporation and has authority to execute the document on its behalf:
  - a) the Mayor
  - b) the Chief Administrative Officer
  - c) the Town Clerk
  - d) the Commissioner of Legal and Development Services, the Commissioner of Corporate and Financial Services and the Commissioner of Community Services
  - e) the Treasurer
  - f) the Municipal Solicitor
  - g) the Directors of Finance, Planning, Building and By-laws, Public Works and Environmental Services, Parks, Recreation and Culture, the Managers of Human Resources, Information Technology, Customer Service, Purchasing, Corporate Communications, Operations and the Fire Chief.
8. Unless otherwise required by statute or this by-law, a document may be executed by the signature of one or more signing officers and when so executed the document may be endorsed with the words "I/We have authority to bind the Corporation", or any similar words indicating the authority of the signing officer.
9. Any document executed under this by-law shall clearly indicate by way of a stamp on the face of the document that it has been reviewed and approved by those named positions or departments in connection with any delegated function as set out in Schedules "A" to "E".

#### NO DELEGATION BY A DELEGATE

10. A person to whom a power, duty or function has been delegated under this by-law has no authority to further delegate to another person any power, duty or function that has been delegated by this by-law.
11. Where this by-law delegates a power, duty or function to a named position, such power, duty or function includes all authority necessary to do all acts required to carry out the authority delegated under this bylaw.
12. Notwithstanding the Delegation of Authority provided for herein, if in the opinion of the person to whom a matter has been delegated, or in the opinion of the Chief Administrative Officer, the matter is one that ought to be reviewed by Council, such matter shall be considered by Council prior to approval.

13. Any reference in this by-law to an Act, includes any amendments to the Act and any successor Act.
14. That By-laws 1994-144, 1999-154, 2001-113, 2001-163, 2002-9, 2006-177 and 2004-207 be and are hereby repealed.

ENACTED THIS 22<sup>ND</sup> DAY OF OCTOBER, 2007.

  
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Tony Van Bynen, Mayor

  
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Anita Moore, Town Clerk