

Proposed Draft By-law

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – XX

Being a By-law detailing certain Delegation of Certain Powers and Duties b y the Municipality

Whereas subsection 5(3) of the *Municipal Act, 2001*, chapter 25, S.O. 2001, as amended, (“Act”) states that a municipal power, including a municipality’s capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas, Council of the Town of The Blue Mountains enacted the “Delegation by Council of Powers and Duties “Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10”;

And Whereas Council of the Town of the Blue Mountains, by By-law 2008-47, deemed it expedient to delegate authority to prepare, maintain, update and administer Town Engineering Standards to the appropriate staff person on behalf of Council;

And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the “Delegation by Council of Powers and Duties Policy, POL.COR.07.04”, and has received Staff Report FAF.21.056 “Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties” on April 6, 2021;

Now Therefore the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Council does hereby delegate authority to prepare, maintain, update, and administer Town Engineering Standards to the Director of Operations and Director of Planning and Development Services, and
2. That Council does hereby direct the Director of Operations and the Director of Planning and Development Services that the modifications which will not result in a significant increase in liability or long term costs shall be endorsed by Senior Management Team, and
3. That Council does hereby direct the Direction of Operations and Planning and Development Services that modifications which may result in a significant increase in liability or long term costs shall be endorsed by Council, and
4. That Council does hereby direct the Director of Operations and the Director of Planning and Development Services that each edition of the Engineering Standards shall be provided to Council, as information.

And further that, with the enactment of this By-law, that By-law 2008-47 “Being a By-law to delegate certain power or authority” be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2021

Alar Soever, Mayor

Corrina Giles, Town Clerk

Tracked Changes

The Corporation of the Town of The Blue Mountains

By-Law Number ~~2008-47~~2021 – XX

Being a By-law detailing certain ~~to~~ Delegation of e Certain Powers and Duties b y the Municipality ~~or Authority~~

Whereas subsection 5(3) of the *Municipal Act, 2001*, chapter 25, S.O. 2001, as amended, (“Act”) states that a municipal power, including a municipality’s capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas, Council of the Town of The Blue Mountains enacted the “Delegation by Council of Powers and Duties” Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10”;

~~Whereas subsection 8.(1) of the Municipal Act, 2001, S.O. 2001, C. 25 (the Act), states that the power of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;~~

~~And Whereas section 23 of the Act authorizes a municipality to delegate its power and duties under this or any other Act to a person or body subject to certain statutory restrictions;~~

~~And Whereas Council deems it expedient to delegate authority to prepare, maintain, update, and administer Town Engineering Standards to the appropriate staff person on behalf of Council;~~

And Whereas Council of the Town of the Blue Mountains, by By-law 2008-47, deemed it expedient to delegate authority to prepare, maintain, update and administer Town Engineering Standards to the appropriate staff person on behalf of Council;

And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the “Delegation by Council of Powers and Duties Policy, POL.COR.07.04”, and has received Staff Report FAF.21.056 “Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties” on April 6, 2021;

Now Therefore the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Council does hereby delegate authority to prepare, maintain, update, and administer Town Engineering Standards to the Director of ~~Engineering and Public Works~~Operations and Director of Planning and Development Services, and
2. ~~That Council does hereby instruct~~direct the Director of Operations and the Director of Planning and Development Services that the modifications which will not result in a significant increase in liability or long term costs shall be endorsed by Senior Management Team, and
- ~~2-3.~~ 3. That Council does hereby ~~instruct~~direct the Direction of ~~Engineering and Public Works~~Operations and Planning and Development Services that modifications which may result in a significant increase in liability or long term costs shall be endorsed by Council, and
- ~~3-4.~~ 4. That Council does hereby ~~instruct~~direct the Director of ~~Engineering and Public Works~~Operations and the Director of Planning and Development Services that each edition of the Engineering Standards ~~should~~shall be provided to Council, as information ~~to Council~~.

And further that, with the enactment of this By-law, that By-law 2008-47 “Being a By-law to delegate certain power or authority” be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2021

Alar Soever, Mayor

Corrina Giles, Town Clerk

Original By-law

**CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

By-law No. 2008 - 47

Being a By-law to delegate certain power or authority

WHEREAS subsection 8.(1) of *The Municipal Act, 2001*, S.O. 2001, c. 25 (the Act), states that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 23 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain statutory restrictions;


AND WHEREAS Council deems it expedient to delegate authority to prepare, maintain, update, and administer Town Engineering Standards to the appropriate staff person on behalf of Council;


NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT Council does hereby delegate authority to prepare, maintain, update, and administer Town Engineering Standards to the Director of Engineering and Public Works, and
2. THAT Council does hereby instruct the Director of Engineering and Public Works that modifications which may result in a significant increase in liability or long term costs be endorsed by Council, and
3. THAT Council does hereby instruct the Director of Engineering and Public Works that each edition of the Engineering Standards be provided as information to Council.

Read a first and second time this 26 day of May, 2008.

Read a third time and passed this 26 day of May, 2008.


Ellen Anderson, Mayor


Stephen Keast, Clerk