



## THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

**Subject:** Municipal Response to COVID-19 Pandemic/Delegation of Authority

**Report Number:** CAO's-2020-08

**Meeting Date:** Monday, April 6, 2020

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**Recommendation:** THAT the Municipality of Kincardine delegate authority for administrative powers under the Municipal Act, 2001 and under any other legislation to the Chief Administrative Officer, exclusively for use in emergencies.

**Date to be considered by Council:** Monday, April 6, 2020

**Report Summary:**

At the meeting of March 30, 2020, Committee of the Whole considered Report CAO 2020-05 Municipal Response to COVID-19 Pandemic/Delegation of Authority. The delegation of authority section of the report is being brought back for further discussion per Resolution 03/30/20 COW – 02. The Municipality established a COVID-19 Working Group which has been developing a Continuity of Operations Plan which will allow essential services to continue to operate. Many of the Municipality's programs and services have been impacted by the COVID-19 pandemic and planning is ongoing. In order to address the legislative and administrative responsibilities of Council and Staff, it is recommended that the Chief Administrative Officer will be provided with enhanced delegated authority during emergencies.

**Origin:** COVID-19 Pandemic – Declaration of a Provincial Emergency

**Existing Policy:** Municipal Act, 2001

**Background/Analysis:**

To ensure that the Corporation continues to function during an outbreak situation, it is recommended that the Chief Administrative Officer be provided with enhanced delegated authority. This will help to ensure that the Corporation can function effectively during this current emergency.

Enhanced delegated authority would only be exercised by the Chief Administrative Officer in accordance with specific criteria as set out in Section 3 of the draft by-law. It allows the CAO to fulfill the administration functions of the Corporation to address the pandemic. These functions include those identified in the attached Delegation By-law.

When the Delegation of Authority By-law was put forward at the March 30<sup>th</sup> meeting, Council members were asked to provide their input on suggestions to modify the draft By-law. Staff have not received any comments or suggestions, and therefore the same draft By-law has been put forward again for approval. It is also important to note that many other municipalities across the County have passed similar by-laws in order to ensure that the Municipality can continue to operate under an extreme emergency.

In the absence of a Delegation of Authority By-law, there have been some constraints that are creating some challenges for Staff to manage internally. This includes:

- **Purchasing and procurement:** Municipal staff must continue following the existing requirements of the Procurement Policy GG.2.17, which has created several constraints such as:
  - The requirement to open all tenders in the presence of the Department Head and Treasurer, and one either the Mayor, Council Member/Policy Chair or CAO
  - The requirement to have all tenders and proposals submitted by mail (no electronic submission will be accepted).
  - Difficulty in accepting tender submissions as the municipal office is currently only open on Mondays and Thursdays for mail/courier acceptance.
  - The requirement to accept deposit cheques or bid bonds (no electronic funds transfers will be accepted).
- **Bank account signing officers (By-law 2016-048):** Under the current by-law, a manual signature is required by the Treasurer and the Mayor for all cheques over \$5,000. Under the existing process, cheques over \$5,000 are being deferred and have not been processed due to the office closure and the difficulty in obtaining 2 manual signatures. The delegation by-law would provide an exemption for this to allow all cheques to be printed with digital signatures. Those opting for EFT payments have not been impacted as approvals continue to be obtained electronically.
- **2020 Rates & Fees By-law 2019-139:** The Rates & Fees by-law must continue to be adhered to during this emergency period. This has created some challenges for staff. A recent example includes the request from Bruce Power to rent the Underwood Hall for pandemic-related assistance to the community. Staff would like to provide this rental free of charge, however Council approval would be required as staff do not currently have the discretion to waive the fee. Other examples include:

- Inability to waive NSF fees without Council approval
- Inability to waive arrear statement fees for taxes and utilities

In addition, there are various other policies that may restrict staff from providing some relief to ratepayers without first obtaining Council approval. This includes Accounts Receivable Policy GG.2.20 which requires that interest of 1.25% per month be charged on all General and Utilities Receivable.

Council must keep in mind sections 3 and 4 of the draft by-law in that the Chief Administrative Officer will only exercise the authority in accordance with prescribed criteria. Those restrictions are:

- a) It is necessary to utilize the authority to address the Emergency in a timely manner.
- b) In the opinion of the Mayor and the Chief Administrative Officer, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.
- c) The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.
- d) The exercise of the delegated authority only applies to the areas of the Municipality of Kincardine where it is necessary.

Also, the by-law requires Council be advised by the Chief Administrative Officer of any exercise of the delegated authority within 24 hours of the date of exercise. This allows for Council to provide feedback on the authority exercised should they have concerns.

In addition, note that b) above requires the Mayor's input into the decision making. And section 5 of the by-law includes the Mayor in the execution of any related documents.

### **Community Plan and Integrated Community Sustainability Plan (ICSP) Considerations:**

### **Financial Implications:**

**Attachments:** Report CAO 2020-05 and draft Delegation of Authority By-law