THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2020-038

BEING A BY-LAW to delegate various powers and duties to the Mayor and CAO of the Town of Tillsonburg in response to the COVID-19 pandemic.

WHEREAS Section 23.1 of the Municipal Act, 2001 as amended, authorizes a Municipality to delegate its powers and duties to a person or body subject to the restrictions set out in this Part; and

AND WHEREAS Section 5 (3) of the Municipal Act, 2001, S.D 2001, c. 25 permits the delegation of a legislative power to an individual where, in the opinion of the Council, the power being delegated is of a minor nature; and

AND WHEREAS the Council of the Corporation of the Town of Tillsonburg deems it necessary and expedient to provide the Mayor and CAO with delegated powers to ensure necessary actions are taken and resources allocated to address the COVID-19 pandemic;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF TILLSONBURG ENACTS AS FOLLOWS:

1. Delegation of Powers and Duties to the Mayor:
   1.1. Subject to the provisions of this by-law and any restrictions on such delegation of authority identified in the Municipal Act, 2001, other legislation or common law, Council hereby delegates the following powers and duties to the Mayor or their designate:
       1.1.1. Authorize temporary suspensions, exceptions, or amendments to the Municipality’s by-laws and Council-approved policies at the request of the CAO;
       1.1.2. Authorize new policies, practices and procedures that would normally be subject to Council approval at the request of the CAO; and
       1.1.3. Cancel any meetings of Council and Committees and local boards.

2. Delegation of Powers and Duties to the Chief Administrative Officer:
   2.1. Subject to the provisions of this by-law and any restrictions on such delegation of authority identified in the Municipal Act, 2001, other legislation, or common law, Council hereby delegates the following powers and duties to the CAO or their designate:
       2.1.1. Revise, reduce or temporarily suspend any services and/or programs provided by the Town;
       2.1.2. Cancel and/or reschedule any events, public information sessions, or statutory public meetings to be held by the
Municipality;
2.1.3. Reallocate the Town’s resources and assets, including staff and equipment;
2.1.4. Authorize temporary suspensions, exceptions, or amendments to policies and procedures;
2.1.5. Authorize new policies, practices and procedures that would normally be subject to administrative approval;
2.1.6. Close or limit access to the Town’s facilities and public spaces;
2.1.7. Provide for alternative service delivery methods;
2.1.8. Determine staffing needs, including the ability for staff to work remotely, authorize temporary hiring or layoffs, and the reallocation of staff;
2.1.9. Any other exercise of administrative authorities deemed necessary by the CAO to deal with the COVID-19 crisis.

3. Limitations:
   3.1. The powers and duties delegated to the Mayor and CAO may only be exercised where all of the following criteria are met:
      3.1.1. It is necessary to exercise the power or duty in response to the COVID-19 pandemic;
      3.1.2. It is reasonable to believe that the harm or damage caused by COVID-19 will be mitigated by the exercise of the delegated power or duty;
      3.1.3. The actions taken under the delegated power or duty are exercised in a manner which reasonably limits their scope and intrusiveness to the minimum extent possible;
      3.1.4. The exercise of the delegated authority only applies to the areas of the Town of Tillsonburg where it is necessary; and
      3.1.5. The exercise of the delegated authority is effective only for as long as is reasonably necessary.

4. Upon the termination of this by-law for any reason, the CAO shall, as soon as practicable, advise Council by way of written public report of any exercise of a power or duty delegated under this by-law.

5. Where a conflict exists between this by-law and any other by-law, policy or power or duty delegated by Council, the exercise of any authority delegated under this by-law shall prevail.

6. Where an emergency is declared by the Town of Tillsonburg in response to the COVID-19 pandemic, this by-law shall cease to be in effect and the delegated powers and duties herein shall be revoked.

7. Any previous actions taken by the Mayor and the CAO with respect to the Municipality’s COVID-19 response are hereby authorized by Council.
8. THAT this by-law shall come into force and effect immediately upon final reading.

9. THAT this By-Law shall come into effect on April 14, 2020.

READ A FIRST AND SECOND TIME THIS 14th day of APRIL, 2020.

READ A THIRD AND FINAL TIME AND PASSED THIS 14th day of APRIL, 2020.

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MAYOR – Stephen Molnar

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TOWN CLERK – Michelle Smibert