

# THE CORPORATION OF THE TOWN OF AMHERSTBURG

## BY-LAW NO. 2013-84

### By-law respecting the delegation of authority for various administrative matters (Legal Matters)

**WHEREAS** section 270 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, authorizes a municipality to delegate its powers and duties to a person or body subject to the restrictions;

**AND WHEREAS** Council desires to delegate authority for various administrative matters as set out herein to the Chief Administrative Officer or his or her delegate;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

#### DEFINITIONS

1. In this By-law, the following terms shall have this meaning ascribed to them:  
  
"Chief Administrative Officer" shall mean the Chief Administrative Officer of the Town of Amherstburg or his or her delegate.  
  
"Town" shall mean The Corporation of the Town of Amherstburg.  
  
"Council" shall mean the Council of The Corporation of the Town of Amherstburg.

#### TERMS AND CONDITIONS

2. Council, as delegating agent, may impose such terms and conditions upon the delegation as it sees fit and this shall include the power to vary such terms or rescind the delegation in question.
3. In exercising the authority delegated by this By-law, the Chief Administrative Officer shall have regard to the consistent and equitable application of all Council policies and guidelines.
4. When exercising the authority delegated by this By-law, the Chief Administrative Officer shall provide an annual report to Council on the delegations exercised as authorized under this By-law.

#### VALIDITY OF ACTIONS TAKEN

5. Any variation or rescission of a delegated authority by Council shall have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation were varied or rescinded.

#### LITIGATION

6. The Chief Administrative Officer shall be responsible for the conduct of all litigation before courts and administrative tribunals, subject to such instruction as may be issued by Council from time to time and in the conduct of such litigation, the Chief Administrative Officer shall use the most efficient combination of staff and external legal services as required to represent and defend the interests of the Town in the issue at hand.
7. The Chief Administrative Officer shall have authority to defend, settle and abandon all matters within the jurisdiction of the Small Claims Court provided that the authority to settle or abandon a matter is limited to an amount not to exceed \$25,000.00.
8. The Chief Administrative Officer shall have authority to direct the prosecution of, to defend, settle and abandon all matters within the jurisdiction of the Ontario Court of Justice or Provincial Offences Court provided that the authority to settle or abandon a matter is limited to an amount not to exceed an aggregate penalty of \$5,000.00.

9. With respect to matters within the jurisdiction of the Superior Court of Justice, the Chief Administrative Officer shall have the authority to:
  - a. Direct the defense of all actions against the Town and to take such steps, including all interim proceedings, as may be considered necessary or proper;
  - b. To carry out the decision of Council to an initiate an action or abandon an action;
  - c. Recommend a settlement to Council in conjunction with the advice of the Town Solicitor.
10. In exercising authority granted in the aforementioned sections, the Chief Administrative Officer shall have authority to:
  - a. Authorize the payment of all expenses related to the conduct of any action or matter and the payment of any costs awarded against the Town;
  - b. Execute all documents required to conduct any action or conclude the settlement of any action or matter; and
  - c. Take all steps required to enforce orders, decisions, awards and judgments.

#### ADMINISTRATIVE TRIBUNALS

11. The Chief Administrative Officer shall, on direction of Council, have the authority to make applications and take objection to all matters brought before administrative tribunals including the Ontario Municipal Board and other administrative tribunals.
12. The Chief Administrative Officer shall have the authority to respond to all matters brought before administrative tribunals including the Ontario Municipal Board and other administrative tribunals
13. The Chief Administrative Officer, on direction of Council, shall have authority to initiate all matters brought before the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission including arbitrations.
14. The Chief Administrative Officer shall have authority to respond to all matters brought before the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission including arbitrations.

#### APPEALS

15. The Chief Administrative Officer shall have authority to:
  - a. Appeal decisions of the Small Claims Court;
  - b. Appeal decisions of the Ontario Court of Justice or Provincial Offences Court;
  - c. Commence, conduct and participate in appeals regarding planning matters to the Ontario Municipal Board and similar administrative tribunals, including appeals from decisions of the Land Division Committee and a Committee of Adjustment;
16. For those matters for which the Chief Administrative Officer does not have delegated authority as noted in this By-law, the matter shall be brought before Council for direction at an In Camera meeting in accordance with Section 239 of the Municipal Act.


#### EXCEPTIONAL CIRCUMSTANCES


17. Where time constraints or other circumstances will not allow for the required authority granting procedures to be followed with respect to any legal matter, the Chief Administrative Officer shall have the authority to take appropriate action and report such actions to the Council at the earliest opportunity.

INTERPRETATION

18. Each section of this By-law and every part of such section is an independent section or part of a section and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect the validity of any other section or parts thereof.

Read a first, second and third time and finally passed this 12th day of August, 2013.

  
MAYOR – Wayne Hurst

  
CLERK – Brenda M. Percy