

Date: 2021-10-14

Subject: **New Statutory Officials By-law to Replace Municipal Officials By-law 84-2008, as amended**

Contact: **Peter Fay, City Clerk, Legislative Services,
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Report Number: Legislative Services-2021-1135

Recommendations:

1. That the report titled: **New Statutory Officials By-law to Replace Municipal Officials By-law 84-2008, as amended**, to the City Council Meeting of November 3, 2021, be received; and
2. That a new Statutory Officials By-law, as substantially set out in Appendix 1 to this report, be enacted and Municipal Officials By-law 84-2008, as amended, be repealed; and
3. That the Clerk be delegated authority to bring forward future amendments to the Statutory Officials By-law to maintain the by-law in an up-to-date state, upon direction provided by the Chief Administrative Officer.

Overview:

- **By-law 84-2008, as amended, sets out a list of key municipal official appointments, including statutory and non-statutory municipal officials.**
- **This report recommends replacing the Municipal Officials By-law with a new Statutory Officials By-law, addressing only those statutory municipal officials necessary for appointment under municipal legislation.**

Background:

The *Municipal Act, 2001*, provides for a municipality to appoint certain statutory officials including the Treasurer (mandatory), Deputy Treasurer (permissive), Clerk (mandatory), Deputy Clerk (permissive) and Chief Administrative Officer (permissive). The *Fire Protection and Prevent Act* requires the appointment of a Fire Chief (mandatory). The

Building Code Act requires the appointment of a Chief Building Official (mandatory) and Inspectors (mandatory).

Municipal Official By-law 84-2008, as amended, represented a consolidated list of key municipal official appointments, originating from various stand-alone appointment by-laws over the years. The current by-law includes appointments of various statutory and non-statutory officials, including:

- Chief Administrative Officer
- Commissioners, Operating Departments
- General Manager, Brampton Transit
- Fire Chief and Deputy Fire Chiefs
- Treasurer and Deputy Treasurers
- City Clerk and Deputy City Clerks
- City Solicitor and Deputy City Solicitors

The by-law easily becomes outdated as the administrative structure changes and persons join or leave the municipality in various positional capacities.

In the interest of simplicity, this report proposes replacing the Municipal Officials By-law with a new Statutory Officials By-law that only appoints statutory officials.

Current Situation:

A new Statutory Officials By-law is recommended to replace the current Municipal Officials By-law to include only the necessary statutory officials required or authorized by legislation. Department Heads and other non-statutory municipal officials are established by the Chief Administrative Officer and as such, are not required to be included in an appointments by-law. The current by-law has become more of a by-law of convenience and consolidation of various key municipal positions, and is not a mandatory municipal requirement for all the positions established therein.

It is recommended that a new Statutory Officials By-law be enacted to replace the current Municipal Officials By-law, to include only the following statutorily authorized positions:

- Chief Administrative Officer
- Fire Chief
- Treasurer and Deputy Treasurer(s)
- City Clerk and Deputy City Clerk(s)

The Chief Building Official and Inspectors are appointed by By-law 302-2012. This by-law is amended on a frequent basis as Inspectors are appointed by the municipality. Therefore, consolidation within the new Statutory Officials By-law is not required.

Other Accountability and Transparency officers, as set out in the *Municipal Act, 2001*, including the Integrity Commissioner, Lobbyist Registrar, and Closed Meeting Investigator, as established by Council, are appointed under separate by-laws, which remains the appropriate method.

For ease of future updates to the proposed Statutory Officials by-law, it is also recommended that the Clerk be delegated authority to bring forward future amendments to the Statutory Officials By-law to maintain the by-law in an up-to-date state, upon direction provided by the Chief Administrative Officer.

Corporate Implications:

Financial Implications:

There are no direct financial implications resulting from this report.

Other Implications:

There are no other implications from this report.

Term of Council Priorities:

This report achieves the Term of Council Priority of a Well-Run City by maintaining transparent and accountable position authorities by ensuring a Statutory Officials By-law is in place.

Conclusion:

Staff recommends that Municipal Officials By-law 84-2008, as amended, be replaced with a new Statutory Officials By-law to reflect statutory position appointments.

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Attachments:

Appendix 1 - Draft Statutory Officials By-law