

By-law Number 17-2020
of The Regional Municipality of Durham

Being a by-law to provide certain delegations of authority from Regional Council to the Regional Chair and/or Regional Staff (as the case may be) to ensure that the administration of the Region can rapidly respond to the current and evolving challenges being experienced with the COVID-19 pandemic:

Whereas as the World Health Organization has declared COVID-19 a global pandemic and the Provincial Government of Ontario has declared a State of Emergency in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;

Whereas Section 23.1(1) of the Municipal Act, 2001 S.O. 2001, c.25 provides that a municipality can delegate its powers and duties under it or under any other Act to a person or body subject to certain restrictions;

AND WHEREAS the Council of The Regional Municipality of Durham has deemed it desirable and efficient to delegate certain powers pursuant to the restrictions and provisions of the By-law;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Effective and continuing until expressly by repealed by subsequent by-law of Regional Council, that the following delegated authorities are granted and effective:
 - 1.1 All delegations set out under the “Delegation of Authority during Recesses of Regional Council” provisions of the Budget Management Policy, as approved and amended from time to time;
 - 1.2 To the Regional Chair or the Chief Administrative Officer (“CAO”) acting together with the Treasurer, in consultation with the applicable Department Head, the authority to take action to make any expenditures or incur any liability that is deemed necessary irrespective of whether such expenditure or liability is or was included in the Region’s 2020 Budget, provided that such expenditures and liabilities are required to maintain and ensure, in the opinion of the Regional Chair or CAO and Treasurer, in consultation with the applicable Department Head, the appropriate continuity of the Regional operations, including without limitation, to: Durham Region Transit, the Durham Regional Local Housing Corporation and the Durham Regional Police Service.
 - 1.3 To the Regional Chair or the CAO acting together with the Treasurer, the authority to authorize the issuance of any debentures and to pass any by-law or take any steps necessary whatsoever to ensure, in the opinion of the Treasurer and the Regional Chair and/or CAO that Debentures as issued, required to be issued or deemed desirable to be issued by the Region are issued in the name of The Regional Municipality of Durham for the purpose of financing and/or re-financing capital projects within the Region of Durham. The Regional Clerk shall be authorized to execute and or certify any documents necessary in connection with the issuance of the debentures.
 - 1.4 To the Regional Chair and the Chief Administrative Officer jointly, the power to:
 - (a) Authorize the temporary suspension or changes to Regional bylaws or policies, including, without limitation, decisions to not enforce any provision of any Regional by-law; and,

- (b) Authorize policies, practices, and procedures to address the COVID-19 pandemic where such policies, practices, and procedures were not previously considered.
- 1.5 To the Regional Chair or the CAO, acting together with the Treasurer, the authority to enter into agreements, in a form as recommended by the Director of Legal Services, to disburse unbudgeted funds up to an upset limit of \$1,000,000 by way of 0% interest loan, to the local Chambers of Commerce and/or Boards of Trade to facilitate local business access to Federal and/or Provincial COVID-19 financial assistance. These loan agreements shall be entered into pursuant to an application process which will demonstrate, in the opinion of the Treasurer, financial need and the requisite agreement shall stipulate that the use of the money by the recipient Chamber/Board is only for and exclusively in order to continue to provide assistance to all local businesses to access Federal and/or Provincial COVID-19 financial assistance, and shall not be used to provide funds directly to local businesses.
 - 1.6 To the Regional Chair or the CAO acting together with the Treasurer, the authorization to receive and distribute emergency funding available from any level of government, and to issue loans and/or grants, to respond to the emerging urgent economic crisis caused by COVID-19 within the Region of Durham and otherwise in compliance with applicable law and further that the Provincial Government be requested to suspend the operation of Section 106(1) of the Municipal Act, 2001, to increase the effectiveness of any Provincial and/or Federal assistance to respond to local needs.
 - 1.7 To the Regional Chair or the CAO acting together with the Treasurer the authority to modify and/or defer the due dates for any tax or fee presently owing or which may become due and owing during the period that this by-law is in effect for such duration as considered appropriate in the opinion of the Treasurer and/or Regional Chair and CAO.
 - 1.8 To the Treasurer and CAO in consultation with the Regional Chair and Regional Clerk the authority to set the capping parameters and clawback rates for the 2020 Business Protection Program including the authority to pass the necessary by-laws as prescribed in the Municipal Act, 2001 as may be required.
2. Any exercise of delegated authority as contemplated above will be reported to Council on a periodic basis and at the conclusion of the period to which this by-law is in effect, however any decision or exercise of delegation under this by-law shall not be subject to retroactive review by Regional Council.
 3. For the purpose of subsection 23.2(4) of the Municipal Act, 2001, as amended, it is the opinion of Regional Council that any legislative powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of each such power.
 4. To the extent that any delegation in this by-law conflicts with any other delegation in any other by-law, the delegation in this by-law shall prevail during the term that this by-law is in effect.
 5. Where the Regional Chair, Chief Administrative Officer, Treasurer, Department Head or Director of Legal Services are unable to act for any reason, the powers delegated to that official are delegated to their designate. The designate for the Regional Chair will be done pursuant to the by-law. The designate for the CAO, Department Head, Treasurer or Director of Legal Services will be appointed by the CAO or the Regional Chair.

6. This by-law shall come into force and take effect on the day that it is passed.

This By-law Read and Passed on the 25th day of March, 2020.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk