

STAFF REPORT: Office of the Chief Administrative Officer

REPORT TO: Council
MEETING DATE: March 8, 2010
REPORT NO.: CAO.10.03
SUBJECT: Delegation of Powers and Duties under the Municipal Freedom of Information and Protection of Privacy Act
PREPARED BY: J. Paul Graham, CAO

A. Recommendations

THAT Council receive Staff Report CAO.10.03 entitled "Delegation of Powers and Duties under the Municipal Freedom of Information and Protection of Privacy Act" and;

THAT Council Rescind Resolution No. 10 dated December 4, 2000 delegating all powers and duties under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. Chap. M.56, to the Clerk and Treasurer and;

FURTHER THAT Council hereby appoints the Town Clerk as the Freedom of Information and Privacy Coordinator for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

B. Background

In an effort to effectively and efficiently coordinate responses to Freedom of Information ("FOI") requests received by the Town, Town Staff believe it beneficial to appoint a specific position within the Town to coordinate the receipt and response to FOI requests on behalf of Council. Town Staff believe this duty should be held by the Town Clerk position.

Section 3(1) of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), states: "The members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipality for the purposes of this Act."

In accordance with the Section 3(1), By-Law 2000-95 dated December 4, 2000 was passed designating Council as head of the Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

Section 49(1) of MFIPPA states, "A head may in writing delegate a power or duty granted or vested in the head to an officer or officers of the institution or another institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation".

In accordance with Section 49(1) referenced above, at the December 4, 2000 Council Meeting, Council then passed Resolution No. 10 delegating all powers and duties under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. Chap. M.56*, to the Clerk and Treasurer.

Rescinding Council Resolution No. 10 dated December 4, 2000 and appointing the Town Clerk position as Freedom of Information and Privacy Coordinator clarifies the position responsible for coordinating receipt of and response to FOI requests.

C. The Blue Mountains' Strategic Plan

Providing a strong, well-managed municipal government.

D. Environmental Impacts

None

E. Budget Impact

None

F. Attached

1. By-Law 2000-95 dated December 4, 2000
2. Resolution No. 10 dated December 4, 2000

Respectfully submitted,

J.P. (Paul) Graham, P. Eng.
Chief Administrative Officer
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THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

By-law No. 2000 - 95

Being a By-law to designate a head of of the municipal corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, chap. M.56

WHEREAS section 3 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, chap. M.56, enables council of a municipal corporation to designate an individual or committee of council to act as head for the purposes of the Act;

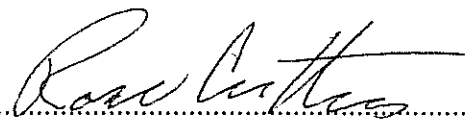
AND WHEREAS Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a By-law to designate a head for the purposes of the Act;

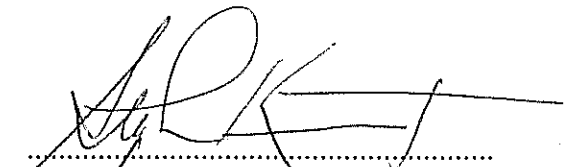
NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains does hereby enact as follows:

1. THAT the Council of the Corporation of the Town of The Blue Mountains be designated as head of the Corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, chap. M.56 .
2. THAT Town of Thornbury By-law No. 21-1990 and Township of Collingwood By-law No. 90-40 are hereby repealed and rescinded upon this By-law coming into full force and effect.
3. THAT this By-law will come into full force and effect on January 1, 2001.

Read a first and second time this 4th day of December , 2000.

Read a third time and passed this 4th day of December , 2000.


.....
Ross Arthur, Mayor


.....
Stephen Keast, Clerk

December 4, 2000

Resolution No. 10

Moved By: R.B. Waind
Seconded By: Rod Knott

THAT this Council does hereby delegate all powers and duties under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, chap. M.56, to the Clerk and Treasurer.

CARRIED...