



# Staff Report

## Administration

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**Report To:** Committee of the Whole  
**Meeting Date:** April 21, 2020  
**Report Number:** FAF.20.054  
**Subject:** Delegation of "Head" under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA")  
**Prepared by:** Shawn Everitt, Chief Administrative Officer

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### A. Recommendations

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THAT Council receive Staff Report FAF.20.054, entitled "Delegation of "Head" under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended ("MFIPPA");

AND THAT in accordance with section 3 and subsection 49(1) of MFIPPA, Council delegates all of its powers and duties as "Head" under MFIPPA to the Director of Legal Services;

AND THAT Council directs staff to provide a by-law to delegate all of its powers and duties under MFIPPA to the Director of Legal Services and to rescind By-law 2014-32, being a By-law to appoint the Town Clerk as the head of the municipal corporation for the purposes of MFIPPA.

### B. Overview

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This report is requesting Council approval to delegate the Director of Legal Services as the "Head" for the purposes of MFIPPA, and to repeal the current delegation of the Town Clerk as the "Head".

### C. Background

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On June 2, 2014, Council enacted By-law 2014-32 appointing the Town Clerk as the "Head" of the municipality for the purposes of MFIPPA. Council recently approved a new staff position, being the Director of Legal Services, and has directed that the delegation of the "Head" shall shift from the Town Clerk to the Director of Legal Services.

## **D. Analysis**

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Attached to this report is a draft by-law that repeals By-law 2014-32 and appoints the Director of Legal Services as the “Head” of the municipality for the purposes of MFIPPA.

MFIPPA provides Council with the ability to apply limitations, restrictions, conditions or requirements to the delegation. Staff recommend that the delegation of the Director of Legal Services not include any limitations, restrictions or requirements, as is currently in place with Town Clerk delegation.

## **E. The Blue Mountains Strategic Plan**

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Goal #4: Promote a Culture of Organizational & Operational Excellence

Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

## **F. Environmental Impacts**

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None

## **G. Financial Impact**

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None

## **H. In consultation with**

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Will Thomson, Director of Legal Services

Corrina Giles, Town Clerk

## **I. Public Engagement**

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The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Shawn Everitt, Chief Administrative Officer, [cao@thebluemountains.ca](mailto:cao@thebluemountains.ca)

## **J. Attached**

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1. By-law 2014-32 to Designate a Head of the Municipal Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*
2. Draft By-law to Appoint the Director of Legal Services as the Head of the Municipal Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*

Respectfully Submitted,

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Shawn Everitt  
Chief Administrative Officer

For more information, please contact:  
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**THE CORPORATION OF THE  
TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. 2014 – 32**

**Being a By-law to designate a head of the municipal corporation  
for the purposes of the Municipal Freedom of Information  
and Protection of Privacy Act**

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

AND WHEREAS section 49 of the Act enables the head to delegate in writing a power or duty granted or vested in the head to an officer of the institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation;

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

- 1. THAT Council of the Corporation of the Town of The Blue Mountains designates the Town Clerk as head of the municipality for the purposes of the Municipal Freedom of Information and Protection of Privacy Act.
- 2. THAT Council delegates all powers and duties granted or vested in the head to the Town Clerk.
- 3. THAT By-law No. 2000-95 being a by-law to designate a head of the municipal corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act is hereby rescinded.

ENACTED AND PASSED THIS     2<sup>nd</sup>     DAY OF     JUNE     , 2014.

*“Original Signed”*

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Duncan McKinlay, Deputy Mayor

*“Original Signed”*

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Corrina Giles, Town Clerk

**The Corporation of the Town of The Blue Mountains**

**By-Law Number 2020 –**

**Being a By-law to designate a head of the municipal corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act***

WHEREAS section 3 of the *Municipal Freedom of Information and Protection of Privacy Act* (“Act”), R.S.O. 1990, enables a municipality to designate an individual or committee of council to act as the head of the municipality for the purposes of the Act;

AND WHEREAS section 49 of the Act enables the head to delegate in writing a power or duty granted or vested in the head to an officer of the institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation;

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

1. That Council of The Corporation of the Town of The Blue Mountains designates the Director of Legal Services as the head of the municipality for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*;
2. That Council delegates all powers and duties granted or vested in the head to the Director of Legal Services
3. That By-law No. 2014-32 being a by-law to designate the Town Clerk as the head of the municipal corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* is hereby rescinded.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 4th day of May, 2020

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Alar Soever, Mayor

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Corrina Giles, Town Clerk