

COUNCIL MEETING
HUMAN RESOURCES

REPORT HR-2025-01
February 18, 2025

SUBJECT: Response to Notice of Motion 2024-297

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APPROVING: Rob Axiak, CAO

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the response to notice of motion 2024-297.

RELATIONSHIP TO STRATEGIC PLAN –

This recommendation is aligned to Council’s strategic priority of ensuring “**Economic Growth**” for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

EXECUTIVE SUMMARY:

The Mayor’s delegation of authority, as outlined in Mayoral Decision 2023-04, grants the Chief Administrative Officer (CAO) the authority to make decisions regarding hiring, dismissal, and organizational structure. However, statutory officers such as the Clerk, Treasurer, and Chief Building Official remain under Council’s jurisdiction as per the Municipal Act.

The City’s Hiring Policy remains in effect where it does not conflict with the Municipal Act. Previously, Council approved the appointment of Directors. Under the strong mayor powers, this authority now rests with the CAO.

The legal review confirms that the delegation of authority aligns with legislative requirements and clarifies the distinction between hiring and appointment. While the CAO has the authority to hire for most positions, Council retains jurisdiction over statutory appointments as required by the Municipal Act.

BACKGROUND:

In accordance with the Municipal Act and provincial legislation granting strong mayor powers, Mayoral Decision 2023-04 delegated authority over organizational and employment matters to the CAO. This delegation allows the CAO to oversee hiring, dismissal, and organizational structuring, including division heads. However, statutory positions such as the Clerk, Treasurer, and Chief Building Official remain under Council's authority.

Historically, the City's Hiring Policy required Council approval for appointing Directors. With the implementation of strong mayor powers, this authority has been reassigned to the CAO. As a result, the Hiring Policy must be interpreted within this legislative context to ensure compliance with municipal governance principles.

A legal opinion was sought to clarify the distinction between hiring and appointment and to confirm the validity of the Mayor's delegation of authority. The opinion reaffirms that while the CAO has hiring authority for most positions, formal appointments for statutory roles still require Council approval.

DISCUSSION:

The Mayor's delegation of organizational and employment matters to the CAO, as per Mayoral Decision 2023-04, allows the CAO to make decisions regarding hiring, dismissal, and organizational structuring. However, this authority does not extend to statutory officers or positions listed under subsection 284.6(3) of the Municipal Act (e.g., Clerk, Treasurer, Chief Building Official).

The Hiring Policy continues to apply where it does not conflict with the Municipal Act. Under the previous policy, Council approval was required for appointing Directors, but under strong mayor powers, this authority is now assigned to the CAO. As a result, the Hiring Policy must be interpreted in alignment with this updated statutory framework.

The legal review highlights the distinction between:

- Hiring – selecting and employing an individual.
- Appointment – a formal designation requiring Council approval for statutory positions.

While the CAO has authority over most hiring decisions, formal appointments for certain statutory roles remain under Council's jurisdiction.

The legal opinion confirms that the Mayor's delegation of authority to the CAO lawfully transfers responsibility for employment and organizational matters, in alignment with the Municipal Act. The Hiring Policy must be interpreted within this framework to ensure compliance with municipal governance principles.

All staff-related matters covered in this report have been managed in accordance with the Municipal Act and the City's Hiring Policy. Council members are reminded that specific positions will not be discussed in public meetings. Any related inquiries should be directed to staff through established protocols.

FINANCIAL:

N/A

ATTACHMENT:

Legal Opinion from Aird & Berlis LLP re: Organizational Structure and Employment Matters

Policy HR005 - Hiring