

Bylaw 9–2021, a bylaw to amend Bylaw 21-2015, the Chief Commissioner Bylaw

March 23, 2021 – Council Meeting

Contract Signing Authorities

To prepare for configuration and implementation of managing contracts electronically in the new ERP, a review of the current contract approval and signing practices and procedures, the overarching legislation and a jurisdictional scan was conducted to determine if there are any opportunities to improve our current practices.

What We Heard From SCBT

ONE SIZE
DOESN'T FIT ALL



Top three pain points relating to contracts:

- contracts are handled by a “one size fits all” approach
- undefined and unclear roles and responsibilities; directives and procedures do not currently exist at the County
- slow, manual paper-based approval and execution processes

Current Contract Signing Authorities

- Most contracts are executed with two signatures as required in the MGA and Chief Commissioner Bylaw
- Exceptions:
 - RPC pilot (two signatures at department level)
 - Some agreements are single signed (Council Resolution 134/2000)
- Contract approval and signing process is manual and paper-based



Current Contract Governance

- MGA sets out two options for signing contracts:
 - two signatures to be affixed to contracts
 - single signature if so authorized by Council
- MGA allows for electronic signatures; Electronic Transactions Act requires a municipality to expressly allow for electronic signatures
- Chief Commissioner Bylaw
 - Delegation of Authority
 - Contract Signing and Financial Spending Authority Directive



Recommended Contract Signing Authorities

- Contract Approval and Execution Directive will address and define different contract types and tier them according to value and risk
- Possible contract signing options to be considered based on value and risk:
 - single sign
 - two signatures at department level (similar to RPC pilot)
 - corporate seal and signing by LLS Director



Planned Measures to Manage Risk



- Use of technology with system controls
 - Embedded contract templates
 - Approval and execution workflows based on contract type, dollar/risk thresholds
 - Deviations from standard contract terms will route to appropriate department for consideration and approval (i.e., legal, risk management)
- Clear guidelines on roles and responsibilities set out in directives and procedures
- Training

Proposed Changes to Bylaw

- The revised section 14 permits contracts to be executed with a single signature
- The revised section 16 expressly permits electronic signatures
- Another change has been made for greater operational effectiveness:
 - Section 15 has been added to permit the Chief Commissioner to approve and sign memorandums of understanding relating to operational or administrative matters falling within the scope of the Chief Commissioner's responsibilities.

Recommendations

- 1.THAT Bylaw 9-2021, a bylaw to amend Bylaw 21-2015, Chief Commissioner Bylaw be given first reading.
- 2.THAT Bylaw 9-2021 be given second reading.
- 3.THAT Bylaw 9-2021 be considered for third reading.
- 4.THAT Bylaw 9-2021 be given third reading.

Conclusion

We will continue to enhance contract administration processes to ensure they are clear, consistent, understandable and efficient



