



THE CORPORATION OF THE
TOWN OF COBALT

DRAFT BY-LAW 2023-09

Being a By-Law to Authorize the Electronic Signing of Documents

WHEREAS Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, (“*Municipal Act*”) as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality’s capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 15 of the *Electronic Commerce Act*, 2000 S.O. 2000, c. 17 (“*Electronic Commerce Act*”) gives authority to a public body to electronically deal with documents it has the power to create, collect, receive, store, transfer, distribute, publish or otherwise deal with;

AND WHEREAS the Council of the Town of Cobalt acknowledges that it is not always possible for individuals with signing authority on behalf of the Town to attend the Municipal Office to execute documents in a timely manner;

AND WHEREAS Council further acknowledges that electronic signatures are necessary for the timely execution of certain agreements and/or documents;

AND WHEREAS Council of the Corporation of the Town of Cobalt decides it is in the best interest of the Corporation to authorize the execution of agreements and documents by electronic signature.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. Any member of Council, officer, or an employee that is authorized by legislation, By-Law, or policy to execute documents on behalf of the Town of Cobalt may do so by affixing an electronic signature.

2. Document means any written document (paper or electronic) including By-Law, agreement, contract, memorandum, letter of intent, application, permit, report, notice, waiver, purchase order, lease, deed, or acknowledgement.
3. The following documents may NOT be signed by electronic signature under this Bylaw:
 - a. Third-party agreements or contracts that the third-party does not consent to the use of an electronic signature;
 - b. Cheques, bank drafts, debentures and other similar financial documents;
 - c. Agreements and other documents having a total value of over \$250,000; and
 - d. Any document that which may be prohibited by law from being signed electronically.
4. Electronic signature has the meaning as described in the *Electronic Commerce Act*.
5. Any document issued on behalf of the Town of Cobalt that may be signed using an electronic signature shall contain a statement explaining that when affixed, an electronic signature on behalf of the municipality is binding and references this By-Law.
6. Nothing in this By-Law requires other parties to electronically sign documents or for the Town of Cobalt to automatically accept documents signed electronically by a third-party.
7. Any conflict arising between this By-Law and provincial or federal legislation shall cause those specific provisions not to be in force.
8. If a court of competent jurisdiction declares any provision or part of this By-Law to be invalid or to be of no force or effect, the remainder of this Bylaw shall continue to be in force.
9. That this By-Law will be reviewed one year from the date of passing.
10. That the Clerk of the Town of Cobalt is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedules as may be deemed necessary after the passage of this By-Law.

TAKEN AS READ a first, second and third time and finally passed this 21st day of March 2023;

AND FURTHER THAT the said By-Law be signed and sealed by the Mayor and Clerk.

Mayor

Clerk