

The Corporation of the Town of Minto

By-Law No. 2022-19

Being a By-Law to delegate certain powers and duties to officers and employees of the Town of Minto

WHEREAS Section 270 (1) of the Municipal Act, 2001, S.O. 2001, c.25, makes provision in part that municipalities shall adopt and maintain policies with respect to the delegation of municipal powers and duties; and

AND WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, as amended, authorizes a municipality to delegate certain powers and duties; and

AND WHEREAS Section 5 of the Planning Act, 1990, as amended, authorizes a municipal council to delegate authority, by by-law, with the exception of the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans; and

AND WHEREAS Section 8 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, provides in part that the powers of a municipality under the Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate; and

AND WHEREAS it is deemed appropriate to delegate routine or minor powers and duties to employees to enhance the efficiency of the decision making and administrative processes.

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

Short Title

1. That this by-law shall be known as the Minto Delegation of Powers and Duties By-law. All references in this by-law to 'Administrative Policies' shall mean the internal administrative procedures in use by staff to accomplish the Strategic Policies set and approved by Council.

Chief Administrative Officer

2. That the following powers and duties are hereby delegated to the Chief Administrative Officer or designate subject to the approved budget:
 - (a) Exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality, including but not limited, to all staff hiring.
 - (b) Establish the structure of the municipality, including the establishment, merger and elimination of divisions, departments and staff positions and establishing a managerial hierarchy.
 - (c) Coordinate and supervise the implementation of and ensure the effective administration of all programs and policies initiated and adopted by Council and of all projects and undertakings initiated by or pursuant to direction within the strategic plan framework approved or adopted by Council
 - (d) Coordinate administrative amendments to all active Municipal Policies to reflect any organizational changes that impact delegated authority
 - (e) Approve and amend Municipal Administrative Policies and procedures related to the administration of employees, including, but not limited to recruitment, termination, dates to be observed as public holidays and holiday closures, offers or changes in offers of employment, etc.
 - (f) Authority to terminate employees in consultation with Mayor or designate and legal counsel where cause is immediately apparent, and to approve the termination of contracts for default, poor, or non-performance.

- (g) Authority to conduct performance reviews of Department Heads and other direct reports and to review, augment and sign all other staff performance reviews.
- (h) Authority to handle insurance settlement claims in consultation with the Town's Insurer for amounts less than \$10,000, and report to Council annually if any claims were approved.
- (i) Authority to close non-essential departments in the event of inclement weather, in consultation with the Mayor or designate.
- (j) During the restricted election period, where, in the opinion of the Chief Administrative officer, such action is in the best interests of the Municipality, the Chief Administrative Officer shall have both the authority set out above and the authority to:
 - i. Make any expenditure or incur any liability exceeding \$50,000.00; and
 - ii. Dispose of any real or personal property of the Municipality which has a value exceeding \$50,000.00 at the time of the disposal; and
 - iii. Hire or dismiss any employee of the Municipality.
- 3. That The Chief Administrative Officer shall report action taken or decisions made in accordance with the delegated authority given during the period outlined in section 1(f) of this by-law to Council, either at its next regularly scheduled meeting or at an additional meeting convened by Council.
- 4. That the Chief Administrative Officer is hereby delegated the authority to act as the single point of contact, being the municipal sector entity, pursuant to the Ombudsman Act.
- 5. That the Chief Administrative Officer may act in the absence of any delegate that has been delegated authority under the By-law in time sensitive situations.

Clerk

- 6. That the Mayor and Clerk are hereby delegated the authority to act as the landowner on behalf of the municipality for the purposes of land ownership authorization.
- 7. That the Clerk is hereby delegated the authority to act as the Head in accordance with the Municipal Freedom of Information and Protection of Privacy Act and is therefore authorized to amend the Records Retention Policy as per associated by-law.
- 8. That the Clerk is hereby delegated the authority to make administrative corrections or minor changes that do not impact intent to by-laws, minutes, agreements, policies, procedures, or other such directions approved by Council.
- 9. That the Clerk is hereby delegated the authority to perform Civil Marriage Ceremonies, and to delegate this power to others.
- 10. That in the absence of the Clerk, the Deputy Clerk as designated by the Municipality, has the same authority as the Clerk.

Treasurer

- 11. That in the absence of the Treasurer, the Deputy Treasurer, as designated by the Municipality, has the same authority as the Treasurer.

General

- 12. That all Department Heads, or their designates are hereby delegated the authority to accept service of all notices and documents on behalf of the municipality.
- 13. That any officer acting under delegated authority provided to them within this by-law has the authority to bind the corporation on agreements related to such delegated authority.
- 14. That a delegation under this by-law shall operate as a delegation to the person acting in the capacity of delegate from time to time.
- 15. That a delegate of a power or duty may sub-delegate the exercise of the power or the discharge of the duty provided that the sub-delegation be in writing and approved by the Chief Administrative Officer; and that the initial delegate shall remain responsible to Council regarding the exercise of the power or discharge of the duty, despite the sub-delegation.

16. That these powers and duties shall be exercised only by the delegates and sub-delegates in accordance with this by-law and shall not be exercised by Council unless required at the discretion of the delegate or noted in the attached schedules.
17. That the delegation of powers and duties as set out in Schedules A to G, attached hereto and forming part of this by-law, are hereby delegated.
18. That unless a power, duty, or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council
19. That a delegation of a power, duty, or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
20. That in exercising any delegated power, the delegate shall ensure the following:
 - (a) That any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law); and
 - (b) That the scope of the delegated authority shall not be exceeded by the delegate; and
 - (c) That, where required, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority in this policy; and
 - (d) That all policies regarding insurance and risk management shall be complied with; and
 - (e) That staff and Committees who have authority delegated to them shall ensure the consistent and equitable application of Council policies and guidelines.

Repeal

21. That By-law 2018-70 is hereby repealed and replaced with this by-law.
22. That any by-laws or policies previously passed and inconsistent with this by-law and any amendments thereto are hereby repealed.

Effective Dates

23. This by-law shall come into full force and effect on the date of its passing.

Read a first, second, third time and passed in open Council this 1st day of March 2022.

George A. Bridge, Mayor

Annilene McRobb, Clerk

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Schedule “A”

Execution of Documents

Delegated Authority	Position
Execute and submit any non-financial reporting requirements associated with the receipt of grant funds.	Chief Administrative Officer or Applicable Department Head
Execute and submit any financial reporting requirements associated with the receipt of grant funds.	Chief Administrative Officer or Applicable Department Head in Consultation with the Treasurer
Negotiate, approve, and amend existing and newly formed fire protection agreements with adjoining municipalities and jurisdictions adjacent to or within the Municipality and any other affiliated partner.	Director of Fire Services or Designate
Negotiate, approve, and amend existing and new formed agreements with partners related to fire protection and medical response.	Director of Fire Services or Designate
Approve and comment on Fire Risk and Safety Management Plans	Director of Fire Services or Designate
Implement fire protection and prevention initiatives	Director of Fire Services or Designate
Execute the following documents, including any approved amendments and associated documents related to: <ul style="list-style-type: none">Easement agreements and any associated documents for approved initiativesAgreements, memorandums of understanding and undertakings for approved initiatives or administrative matters.Construction site agreements and any associated documentsThe federal gas tax program	Mayor and Chief Administrative Officer or Applicable Department Head
Approve, execute, amend, and renew Independent Electricity Systems Operator Feed-in Tariff and Large Renewable Procurement Program documents with respect to rooftop and ground mounted solar projects that meet the Municipality’s prescribed conditions and where Council support resolutions are required	Chief Administrative Officer or Designate
Authorize the registration of releases and discharges, including the electronic registration of documents related to real property matters	Chief Administrative Officer Or Designate
Apply to the Chief Judge for short form wordings and set fines for licensing and regulatory by-laws approved by Council	Chief Administrative Officer or Director of Building & Planning Services or By-Law Enforcement Officer

Approve, renew, or amend any annual indoor or outdoor facility leases and associated documents with various businesses and associations that are directly related to the Municipality's business objectives	Director of Community Services
Approve and execute development charge agreements for development charges to be paid before or after it would otherwise be payable as provided for in accordance with Section 27 of the Development Charges Act	Treasurer or Designate
Signing off on compliance documents from various provincial and federal ministries as it pertains to appropriate legislation.	Applicable Department Head
Approve, execute, amend, and terminate agreements and associated documents in accordance with municipally approved grant funding incentive programs under \$1,500.00, including, but not limited to Community Improvement Plans	Director of Economic & Community Development or Treasurer or Designate or as per the terms of said improvement plan.
Approve, execute, and amend agreements and associated documents with respect to community service arrangements regarding parks and recreation programs, services, and events, including, but not limited to stewardship arrangements, incoming donations, subsidy opportunities and leases with a revenue value up to \$5,000.00 per agreement or contract per year.	Director of Community Services or Treasurer or Designate
Sign and execute minutes of settlement between the Municipality and the Municipal Property Assessment Corporation and/or the Assessment Review Board	Treasurer or Designate
Execute agreements and associated documents with respect to approved corporate partnerships based on sponsorship and advertising assets up to \$5,000.00	Director of Economic & Community Development or Director of Community Services and/or Treasurer or Designate
Approve, execute, and amend utility connection agreements and contracts and any associated documents for the purpose of creating new connections, updating existing connections for municipal infrastructure and new development, and accepting new charges for utility services up to \$5,000.00	Applicable Department Head In association with the Treasurer
Approve, execute, amend, and terminate agreements and associated documents in accordance with energy utility funding and incentive programs	Chief Administrative Officer or Treasurer or Director of Community Services
Execute agreements, contracts, or associated documents with respect to purchases within the approved purchasing policy limits.	Chief Administrative Officer or Applicable Department Head

Ministry of Transportation – Connecting Link Maintenance Agreements	Manager of Roads & Drainage
Mutual Drains / Drainage Conveyance agreements upon Council Approval	Manager of Roads & Drainage

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Schedule “B”

By-laws

Delegated Authority	Position
Bring by-laws on the following matters to Council for approval without the submission of a corresponding staff report: <ul style="list-style-type: none">• staff appointments• records management and retention• fire routes• dedication of roads as part of a public highway system• assumption of services and works within approved subdivisions• matters that require a by-law as part of a routine policy implemented by Council and/or legislation• general or routine practices• where the by-law was requested by Council and/or no further information is required.• Mutual Drains / Drainage Conveyance By-laws	Chief Administrative Officer Or Applicable Department Head

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Schedule “C”

Permits and Licensing

Delegated Authority	Position
Designate events as municipally significant for the purposes of the Special Occasion Permit process	Clerk Or Designate
Administer the application and approval process for the purposes of the following requests through the Ontario Heritage Act: <ul style="list-style-type: none">consent to alter a designated heritage propertyconsent to alter a Part IV and Vconsent to alter a property within a designated heritage conservation districtThis includes the authority to refer such requests to Town of Minto Heritage Committee	Director of Building & Planning Services
Approval of Special Event applications	Clerk or Designate
Authority to approve exemptions to the Noise Control By-law for events that have been exempted in the past. The delegation also applies equally to any minor amendment of such an exemption.	Director of Building and Planning Services
Authority to issue entrance permits in the Town of Minto	Roads & Drainage Manager
Authority to issue Lottery Licenses	Director of Community Services or Clerk or Designate
Road Occupancy Permits	Roads & Drainage Manager
Special Vehicle Permit, for an exemption from the Load Restriction By-law	Roads & Drainage Manager
Oversize Load Permits	Roads & Drainage Manager
Temporary or preliminary work license agreements and any associated documents	Applicable Department Head
Issue Transient Trader Licenses in accordance with by-law 2000-53	Clerk or Designate
Issue Backyard Hen Permits in accordance with by-law 2015-87	By-Law Enforcement Officer
Authority to issue Marriage Licenses	Clerk or Designate
Authority to issue Burial Permits	Clerk or Designate

Authority to Administer the Sign by-law including the signing of documents to issue, or deny, a Sign Permit Application, or to revoke a Sign Permit.	Director of Building and Planning Services or Designate
Authority to issue Kennel Licenses in accordance with current by-law.	Director of Building and Planning Services or By-Law Enforcement Officer
Authority to administer and enforce the animal control by-law including enforcing the keeping and running at large of dogs.	Director of Building and Planning Services or By-Law Enforcement Officer

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Schedule “D”

Financial Management

Sign and administer all payments issued by the Municipality either by manual or electronic signature	Mayor or Deputy Mayor and Treasurer or Deputy Treasurer
Prepare and administer appropriate write-off procedures and best practices relating to receivable accounts deemed uncollectable up to a maximum of \$5,000 per account	Treasurer or Deputy Treasurer
Execute and administer all approved grant funding amounts in accordance with Council approved financial incentive programs and grant programs and the redistribution of funds as applicable	Treasurer or Deputy Treasurer or as per the terms of said grant program
Make technical adjustments to the annual approved capital and operating budget based on business needs and good accounting practices	Treasurer or Deputy Treasurer Chief Administrative Officer Applicable Department Head
Establish new reserve funds as a result of the approved annual budget	Treasurer or Deputy Treasurer
Approve corporate partnerships sponsorship and advertising assets with a value up to \$5,000.00	Chief Administrative Officer Treasurer
Approve corporate revenue partnerships based on sponsorship and advertising assets with a value of \$5,000.00 up to \$25,000.00	Chief Administrative Officer Treasurer Clerk
Submit grant funding applications that would reduce expenditures associated with projects, programs and services approved as part of the operating and capital budgets, or to advance improvements where such grants represent the full value of the services or capital improvement (application of grant opportunities)	Applicable Department Head in consultation with the Treasurer or Deputy Treasurer
Approve grant funding applications to secure funding for the Municipality, even if there are incremental expenditures or staffing impacts, only if the grant application deadline is time sensitive, the deadline does not coincide with the Council reporting cycle, and where the application may be withdrawn should Council subsequently not approve of the Municipality's participation in the funding opportunity (Approval of time sensitive grants)	Treasurer or Deputy Treasurer or Chief Administrative Officer
Approve and execute new vendor insurance agreements, insurance policies and related insurance or claim documents	Treasurer or Deputy Treasurer

Purchase as per the procurement policy or by-law in place	Chief Administrative Officer or Applicable Department Head Or Designate
Upon request from the Owner, be authorized to grant partial release of security amounts from the securities being held against works stated within an agreement, provided the works have been completed to the satisfaction of the Municipality.	Chief Administrative Officer or Applicable Department Head
Execute development charges early payment agreements on behalf of the Town of Minto, subject to the terms and conditions provided in the Town's development charges interest policy	Treasurer or Deputy Treasurer
Authority to grant rental and fee exemptions in accordance with the Municipality's Rental and User Fee Policy, limited to fees not exceeding \$500.00 per request.	Director of Community Services Or Treasurer

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Schedule “E”

Building & Planning Matters

Delegated Authority	Position
Authority to enforce provisions of the Building Code Act R.S.O. 1992	Director of Building and Planning Services or Designate
Authority to administer swimming pool and fencing by-laws of the municipality	Director of Building and Planning Services or Designate
Approve and execute agreements with respect to conditional building permits	Director of Building & Planning Services or Designate
Approve and amend the following documents or matters: <ul style="list-style-type: none">any site plan agreements in accordance with the Planning Act, as amended. Council may ask for any site plan to come forward to Council for approval at any time during the planning process.any agreement related to building and development matters (excluding subdivision and condominium agreements), which Council has been made aware of its requirement through the planning processagreements required as a condition of a Committee of Adjustment decision	Chief Administrative Officer and/or Director of Building & Planning Services in consultation with Legal Counsel
Require, approve, and execute Letters of Undertaking subject to the provisions of the Planning Act	Director of Building & Planning Services
Establish, determine, and direct the appropriate action to be taken in the administration of the Mandatory Pre-Consultation Meetings required by the Municipality prior to the submission of Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium and Sit Plans	Director of Building & Planning Services
Use dispute resolution techniques to attempt to resolve an Ontario Municipal Board appeal in accordance with the Planning Act as amended	Mayor CAO Director of Building & Planning Services Wellington County Planning & Development Staff providing planning services to the Town In consultation with Legal Counsel
To schedule and convene public meetings in accordance with the Planning Act, RSO 1990 as Amended	Director of Building & Planning Services or Designate
Giving of Consent under Section 53 of the Planning Act	Committee of Adjustment

Approval of secondary dwelling agreement or agreements of a similar nature	Director of Building & Planning Services
Temporary trailer agreements	Director of Building & Planning Services
Provide approval to developers of road names from a Council approved list	Director of Building & Planning Services in accordance with any approved road naming policy
Authority to waive fees associated with consent and minor variance applications	Committee of Adjustment
Provide comments to the AGCO on locations of proposed retail sites within the 15 day commenting period	Director of Building & Planning Services

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Schedule “F”

Transportation, Environmental Services & Public Utilities Matters
(except for permits include in Schedule C)

Delegated Authority	Position
Approve temporary road closures for construction, routine operations, rehabilitation, maintenance and repairs	Manager of Roads & Drainage
Authority to approve temporary road closures for special events. Events are a one-time, annual, or infrequently occurring activity, that utilize a road or street, thus requiring a temporary road closure and event approval.	Manager of Roads & Drainage
Authority to reduce load limits on Highways under the Highway Traffic Act.	Manager of Roads & Drainage
Approval of utility and drainage road crossing agreements	Manager of Roads & Drainage
Authority to sign and approve CVOR licence Application	Manager of Roads & Drainage
Authority to declare a winter parking ban	Manager of Roads & Drainage
Authority to designate a highway, or a portion of a highway as a construction zone	Manager of Roads & Drainage
Authority to designate temporary no parking or stopping zones in the interests of safety: <ul style="list-style-type: none">• when an emergency has arisen• to facilitate the removal of snow, ice or debris from a highway, or• to facilitate the construction or repairs of highway for emergency situations	Manager of Roads & Drainage

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Schedule “G”

Emergency Services

Community Emergency Management Coordinator	Emergency Manager/CEMC, Wellington County Emergency Management or Designate
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