

The Corporation of the Town of Minto
By-Law No. 2018-70

Being a by-law to approve a Delegation of Powers Policy
and 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 WHEREAS Section 23.1 and 23.2 of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act;

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 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 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:

1. This by-law shall be known as the Minto Delegation of Powers and Duties By-law.
2. The delegation of duties and powers shall be governed by the provisions of this bylaw including those attached in Schedules “A” and “B”.
3. Schedules “A” and “B” attached shall form part of this by-law.
4. This Bylaw shall come into full force and effect on the final passing thereof.
5. That any predecessor bylaws inconsistent with this bylaw shall hereby be repealed.

Read a first, second, third time and passed in open Council this 4th day of September, 2018.

Mayor George A. Bridge

C.A.O. Clerk Bill White

Schedule "A"

Delegation of Powers Policy

PURPOSE

Section 270.(1) of the Municipal Act, 2001, as amended ("Act"), requires municipalities adopt and maintain a policy with respect to the delegation of municipal powers and duties. Section 23.1 (1) authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act.

This policy guides Council and staff when implementing the delegation of powers and duties as outlined in the by-law and establish guidelines for conducting the business of the Town

POLICY STATEMENT

The Corporation of the Town of Minto Council is a duly elected municipal government directly accountable to its constituents for its legislative decision making, policies and administrative functions. Council decisions are actioned through a by-law or resolution passed at a Council meeting by a majority vote. Without limiting the authority or accountability of Minto Council to act by by-law or resolution, in an effort to ensure the orderly flow of business in a timely way, to maintain community engagement on local issues, and create a stream-lined operations and decision-making, Council shall entrust certain powers and duties to certain officers and staff of the Town or staff of Wellington County where specified.

The delegation of municipal powers by Council is made in accordance with the relevant legislated authority of the Municipal Act, 2001 and Planning Act, R.S.O., 1990 and Municipal Freedom of information and Protection of Privacy Act, and other applicable legislation as may apply.

DEFINITIONS

"Administrative Powers" means all matters required for the management of the corporation which do not involve discretionary decision making.

"Legislative Powers" means all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

POLICY REQUIREMENTS

1. All delegation of Council powers, duties or responsibilities shall be implemented by by-law, which is deemed to include motions passed in Committee of the Whole, approved in Council and adopted by confirmatory by-law.
2. Council retains all powers, duties and responsibilities afforded to it legislatively unless Council has specifically delegated that authority, duty or responsibility in an approved by-law.

3. Where a power, duty or responsibility has been delegated in a by-law to a designate of a Department Head or officer of the Town the C.A.O., Deputy C.A.O. Clerk or Department Head shall have the authority to identify the designated, and such designated shall have the skills, abilities and accountability to accept being so designated. No employee who is appointed as a designate shall further delegate that authority.
4. Legislated matters delegated by Council shall generally be minor and administrative in nature unless Council's delegation specifically and explicitly specifies terms and conditions under which powers are to be exercised in approved policies or practices and shall be in compliance with limitations set out in the *Municipal Act, 2001* and other applicable legislation.
5. In exercising any delegated power, officers', staff, employees or other such delegates shall comply with the following:
 - a) The Code of Conduct of the Town of Minto and any other related policies and practices.
 - b) The approved annual budget such that any delegated authority shall be provided for in the current operating or capital budget of the Town pursuant to the approved purchasing and procurement by-law.
 - c) The scope of the delegated authority shall not be exceeded, and where required updates or reports shall be submitted to Council advising of progress with respect to the delegated authority and confirming such actions comply with this and other applicable policy.
 - d) Policies and practices with respect to risk management, health and safety, accessibility, and similar are met.
 - e) Contracts, agreements or other such undertakings are approved by Council through by-law or resolution unless authority to execute such an agreement is specifically delegated.
 - f) All actions of officers', staff, employees or other such delegates shall be consistent with applicable legislation, codes, by-laws, standards or other legal requirements as set out by the federal, provincial, county or local municipal government.

MUNICIPAL ACT 2001 LIMITATIONS ON DELEGATED AUTHORITIES

Under Section 23.1 (2) of the Municipal Act Council shall comply with the following rules when adopting a by-law to delegate powers or duties:

- (a) A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the power to revoke a delegation.
- (b) A delegation shall not limit the right to revoke the delegation beyond the term of Council which made the delegation.
- (c) A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
- (d) A delegation or deemed delegation of a duty results in a joint duty of the municipality and the delegate.
- (e) A delegation may be made subject to such conditions and limits as the Council considers appropriate.

- (f) Where a power is delegated, the power is deemed to be delegated subject to any limits in the power and to any additional procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

NO DELEGATION OF POWERS

In accordance with the *Municipal Act 2001, as amended* the following powers and duties cannot be delegated by Council:

- (a) The power to appoint or remove from office an officer of the municipality whose appointment is required by this Act.
- (b) The power to pass a by-law under Parts VIII (Municipal Taxation), IX (Limitations on Taxes for Certain Property Taxes), and X (Tax Collection)
- (c) The power to incorporate corporations in accordance with section 203.
- (d) The power to adopt an official plan or an amendment to an official plan under the *Planning Act*.
- (e) The power to pass a zoning by-law under the *Planning Act*.
- (f) The powers to pass a by-law under subsections 108(1) and (2) (Programs for small business), and 110 (3), (6) and (7) (Municipal Capital Facilities).
- (g) The power to adopt a community improvement plan under section 28 of the *Planning Act* if the plan includes provisions that authorize the exercise of any power under subsection 28(6) or (7) of that Act (sale of land or giving of grants) or under section 365.1 (community improvement plan) of the *Municipal Act*.
- (h) The power to adopt or amend the budget of the municipality.
- (i) Any power or duty that may be prescribed by regulation.

RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER

1. The Chief Administrative Officer for the Town may be a separate position or a position combined with any other position within the organizational structure. In absence of specific terms as an officer appointed under the *Municipal Act*, the following powers and duties are responsibilities of the Chief Administrative Officer:
 - 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,
 - b) Establish the organizational structure of the municipality, including the establishment, merger and elimination of divisions and departments and establishing a managerial hierarchy for approval by Council.
 - 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 approved strategic plan.
 - d) Coordinate administrative amendments to all active Town Policies to reflect any organizational changes that impact delegated authority,

- e) Review and amend Town Policies and Procedures related to the administration of employees, including the dates to be observed as public holidays and holiday closures subject to Council approval.
 - f) 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.
 - g) Authority to conduct performance reviews of Department Heads and other direct reports and to review, augment and sign all other staff performance reviews.
 - i) Authority to close non-essential departments in the event of inclement weather, in consultation with the Mayor or designate.
 - j) Authority to terminate employees in consultation with Mayor or designate where cause is immediately apparent, and to approve the termination of contracts for default, poor or non-performance.
2. The Chief Administrative Officer shall report action taken or decisions made in accordance with the delegated authority regularly to Council.

Schedule B
Delegation of Powers to Town of Minto Staff

1. Within Schedule “B” the following definitions shall apply:

- a) *“Acting Director of Public Works”* means the person or position which may be acting as the Director of Public Works for the purposes of the authorities under this by-law.
- b) *“C.A.O.”* shall mean the head administrative official reporting to Council and to whom Department Heads and other municipal staff report to and includes the C.A.O. Clerk or any other position to which the title C.A.O. is combined.
- b) *“Department Head”* shall mean the position responsible for specific sections of municipal responsibility as outlined in the current organizational chart approved for the Town and without limiting the generality of the foregoing includes the Business and Economic Manager, Recreation Services Manager, Facilities Manager, Chief Building Official, Fire Chief, Treasurer, Public Works Director, Acting Public Works Director or any position responsible for a Department that may be combined in the future.
- c) *“Treasurer”* shall be the officer appointed by Council pursuant to the Municipal Act to conduct financial duties on behalf of the municipality who is also a Department Head pursuant to the authorities under this by-law.

Delegated Authority	Position
Execute and submit any non-financial reporting requirements associated with the receipt of grant funds	Treasurer or Deputy Treasurer
Execute and submit any financial reporting requirements associated with the receipt of grant funds	Treasurer or Deputy Treasurer
Approve, amend and/or declare a winter parking ban, designate a highway, or a portion of a highway as a construction zone, designate temporary no parking or stopping zones in the interests of safety 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, issue entrance permits	Public Works Director, Acting Public Works Director, Manager of Roads and Drainage, Roads Foreman
Authority to approve and comment on Fire Risk and Safety Management Plans.	Fire Chief or Chief Fire Prevention Officer.

Delegated Authority	Position
Fire protection and prevention initiatives	Fire Chief, Fire Prevention Officer, Assistant Chief of Fire Administration
Approve, execute, amend and renew Independent Electricity Systems Operator Feed-in Tariff and Large Renewable Procurement Program documents with respect to rooftop solar projects and ground mounted solar projects that meet the Town's prescribed conditions and where municipal Council support resolutions are required	C.A.O. or designate
Authorize the registration of releases and discharges, including the electronic registration of documents related to real property matters	C.A.O. or designate
Apply to the Chief Judge for short form wordings and set fines for licensing and regulatory by-laws approved by Council	C.A.O., Chief Building Official, By-law Enforcement Officer
Approve, renew, or amend any annual indoor or outdoor facility rental agreements and associated documents with various businesses and associations that are directly related to Town business objectives	Recreation Facilities Manager
Approve and execute agreements with respect to conditional building permits	Chief Building Official, Building Inspector
Approve, execute, amend and terminate agreements and associated documents in accordance with Town approved grant funding incentive programs under \$1,500 including, but not limited to Community Improvement Plans	Manager of Business and Economic Development, Treasurer
Approve, execute, amend agreements and associated documents regarding incoming donations, subsidy opportunities and leases with a revenue value up to \$5,000 per agreement or contract	Recreation Services Manager, Treasurer
Sign and execute minutes of settlement between the Town and the Municipal Property Assessment Corporation and/or the Assessment Review Board	Treasurer, Tax Collector
Execute agreements and associated documents with respect to approved corporate partnerships based on sponsorship and advertising assets up to \$5,000	Manager of Business and Economic Development, Treasurer, Recreation Services Manager

Delegated Authority	Position
Approve, execute and amend water and sewer connection agreements, contracts or any associated documents for the purpose of creating new connections, updating existing connections for Town infrastructure and new development and accepting new charges for utility services up to \$5,000	Public Works Director or Acting Public Works Director, Water Foreman, Wastewater Foreman
Approve, execute, amend and terminate agreements and associated documents in accordance with energy utility funding and incentive programs	C.A.O., Treasurer, Facilities Manager or designate
Administration of the Municipal Freedom of Information & Protection of Privacy Act and for decisions made thereunder.	Deputy Clerk
Designate private events as municipally significant for the purposes of the Special Occasion Permit process	C.A.O., Deputy Clerk
Issue Backyard Hen Permits in accordance with bylaw 2015-87	By-law Enforcement Officer
Delegation of authority to issue lottery licenses	Recreation Services Manager, Deputy Clerk
Delegation of authority to perform civil marriage ceremonies	C.A.O. where position is combined with the role of Clerk, Deputy Clerk
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.	Chief Building Official, Building Inspector, By-law Enforcement Officer
Authority to enforce provisions of the Building Code Act R.S.O. 1992.	Chief Building Official, Building Inspector
Administer swimming pool and fencing by-laws of the Town	Chief Building Official, Building Inspector, By-law Enforcement Officer
Authority to issue Kennel Licenses in accordance with By-Law 16-31.	Chief Building Official, By-law Enforcement Officer
Administer and Enforce the Animal Control By-law including enforcing the keeping and running at large of dogs	Chief Building Official, By-law Enforcement Officer
Sign and administer all payments issued by the Town either by manual or by electronic signature	Mayor, Deputy Mayor, Treasurer, Deputy Treasurer, C.A.O.

Delegated Authority	Position
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 designate
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 designate
Issue Transient Traders licenses, in accordance with by-law 2000-53	Deputy Clerk
Community Emergency Management Coordinator	Emergency Manager/CEMC, Wellington County Emergency Management
Make technical adjustments to the annual approved capital and operating budget based on business needs and good accounting practices	Treasurer, C.A.O., Department Head
Establish new reserve funds as a result of the approved annual budget	Treasurer or designate
Approve corporate partnerships sponsorship and advertising assets with a value up to \$5,000	C.A.O., Treasurer
Approve corporate partnerships based on sponsorship and advertising assets with a value of \$5,000 up to \$25,000	Treasurer or Delegate and Clerk or Delegate
Approve grant funding applications to secure funding for the Town, even if there are incremental expenditures or staffing impacts to a maximum of \$10,000, 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 Town's participation in the funding opportunity	C.A.O, Treasurer
Ability to purchase pursuant to the Town's procurement by-law and applicable policies	C.A.O., Treasurer, Department Head, or designate
Hire staff below a Department Head where such position is approved by budget and within the current approved organizational chart of the Town	C.A.O., Treasurer, Department Head

Delegated Authority	Position
<p>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 service or capital improvement</p> <p>Approve and execute new vendor insurance agreements, insurance policies and related insurance or claim documents</p>	C.A.O., Treasurer or Department Head
<p>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.</p>	C.A.O., Deputy Clerk
<p>During a municipal election year and either prior to the nomination date, after the nomination date or prior to the election, or following the election where Council's actions have become restricted under section 273 of the <i>Municipal Act 2001</i> , prepare a report and recommendation to delegate authority to the C.A.O., Treasurer or a Department Heads such responsibilities as may be necessary to comply with statute and to ensure the business of the Town continues according to current practices and policies</p>	C.A.O., Treasurer, Deputy Clerk
<p>Authority to grant rental and fee exemptions in accordance with the Municipality's Rental and User Fee Policy, limited to fees not exceeding \$500 per request pursuant to Town policy</p>	Treasurer, Recreation Services Manager, Facilities Manager
<p>Establish, determine and direct the appropriate action to be taken in the administration of the any pre-consultation meetings conducted prior to the submission of Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium and Site Plans</p>	C.A.O., Chief Building Official, Building Inspector, Wellington County Planning and Development Department staff providing planning services to the Town
<p>Use dispute resolution techniques to attempt to resolve an appeal in accordance with the Planning Act as amended</p>	Mayor, C.A.O., Chief Building Official, Wellington County Planning and Development Department staff providing planning services to the Town