

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2017-073

BEING a by-law to Delegate Certain Powers and Duties to Officers and Employees of the Township of South Stormont and to Repeal By-law Nos. 2016-059, 2015-011, 2015-009 and 2007-106.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS section 32.1 of the *Municipal Act, 2001*, c. 25, provides that sections 9, 10 and 11 authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 270 requires the establishment of policies for the delegation of certain powers and duties to staff;

AND WHEREAS Council did, on January 8, 2008, and as amended on September 6, 2017, adopt a Delegation of Powers and Duties Policy;

AND WHEREAS the *Planning Act, R.S.O. 1990* Section 5 authorizes Council to delegate authority, by by-law, with the exception of the authority to approve official plans and or amendments to official plans;

AND WHEREAS Council deems it advisable to delegate certain powers and duties to officers and employees of the Township for the purpose of providing responsible, accountable, good and efficient government.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That Council hereby delegates certain powers and duties to officers and employees as described in Schedule "A" hereto and forming part of this By-law.
2. That officers and employees of the Township of South Stormont are hereby delegated the powers and duties in accordance with the Delegation of Powers and Duties Policy.
3. No further delegation of the authorities contained herein is permitted without Council approval, either with respect to the authority and limits of the delegation or the persons to whom the delegation is granted.
4. Where delegated authority involves the expenditure of funds and/or commitment of resources, the delegated authority must be

exercised with the Council approved budget for that matter.

5. Officers and employees with delegated authority under this by-law shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions.
6. If an officer or employee has a conflict of interest related to a delegated authority then the officer or employee must not exercise their delegated authority and must forthwith report the conflict of interest to the CAO or Council.
7. This by-law does not diminish, restrict or reduce any authority delegated to any officer or employee by any other by-law, statute, regulation or as otherwise provided by law.
8. That By-law Nos. 2016-059, 2015-011, 2015-009 and 2007-106 are hereby repealed.

READ AND PASSED in open Council, signed and sealed this 6th day of September, 2017.

Mayor

Clerk

Schedule "A" to By-law No. 2017-073

Delegate – Chief Administrative Officer

Delegated Powers and Duties	Criteria/Conditions
Insurance – Settlement of Small Insurance Claims	Authority to handle claims for amounts less than \$10,000 An annual report is required for Council
Insurance – Third Party Claims	Authority to pursue and settle with third parties for the recovery of Township property damage claims An annual report is required for Council
Inclement Weather	In consultation with the Mayor, authority to close non-essential department(s) in the event of inclement weather
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Executing documents related to Township bank accounts	Authority to sign
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign applications Include notation in Monthly Activity Summary
Correspondence or documents required to implement an action/decision of Council	Authority to sign
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) – All related powers and duties as Head	Administration of MFIPPA and for decisions made thereunder
Letters of Support	Issuance of letters of support for community festivals, outdoor events, third party grants that do not require a municipal financial contribution
Point of contact, being the municipal entity, pursuant to the Ombudsmen Act	An annual report to be provided to Council

Delegate – Director of Building/CBO

Delegated Powers and Duties	Criteria/Conditions
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign applications Include notation in Monthly Activity Summary
Authority to grant departmental permits	Authority to issue department permits provided eligibility of the applicable by-law/policy has been met
Authority to enter into temporary use agreements	Authority for a locate trailer when building a house Include notation in Monthly Activity Summary
Authority to approve and execute agreements with respect to conditional building permits	Include notation in Monthly Activity Summary

Delegate - Director of Corporate Services/Clerk

Delegated Powers and Duties	Criteria/Conditions
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Correspondence or documents required to implement an action/decision of Council	Authority to sign
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign
Oaths of Office	Authority to sign
Land conveyance documents or land title clearance	Authority to sign
Software and data sharing agreements	Authority to sign provided the product to be licensed has been authorized within the current year's operating or capital budget
Noise & Nuisance By-law Exemption(s) for events that are reasonable and specifically, have been exempted in the past	This delegation does not extend to an event that has changed substantially in nature since the previous exemption was granted Include notation in Monthly Activity Summary
Authority to accept service of notices and documents on behalf of the municipality	
Issuance of Lottery Licenses	Authority within the established guidelines set out in the Lottery Policy Manual established by the Alcohol and Gaming Commission
Authority to grant departmental permits, i.e. transient trader, taxi license	Authority to issue department permits provided eligibility of the applicable by-law/policy has been met Include notation in Monthly Activity Summary
Sign Permit Application – Issuance and/or Denial	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.
Authority to execute Authorized Requestor Agreements with Ministry of Transportation	Authority for the purposes of supporting the Township's Parking By-law enforcement activities
Authority to apply to the Chief Justice for short form wordings and set fines for licensing and regulatory by-laws	Authority provided for by-laws previously approved by Council
Authority to designate events as municipally significant for the purposes of the Special Occasion Permit process	Include notation in Monthly Activity Summary

Delegate - Director of Finance

Delegated Powers and Duties	Criteria/Conditions
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Executing documents related to Township bank accounts	Authority to sign
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign
Sign Minutes of Settlement and represent the municipality with regards to property assessment appeals at the Assessment Review Board	Authority to review and sign off settlements and participate in the hearing process where appropriate Include notation in Monthly Activity Summary
Accounts Receivable	Authority to write off interest in accordance with Council approved annual operating budget
Authority to approve tax write offs and increases under Sections 357, 358 and 359 of the Municipal Act, 2001	Authority provided write offs have been reviewed and approved by MPAC and amounts are within the total amount approved for net supplementary and write off taxation revenue as part of annual operating budget Include notation in Monthly Activity Summary
Authority to approve Corporate Sponsorship agreements	Approval provided application meeting requirements of Corporate Sponsorship and Advertising Policy and up to a maximum of \$10,000 Include notation in Monthly Activity Summary

Delegate - Fire Chief

Delegated Powers and Duties	Criteria/Conditions
Delegate - Fire Chief	
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign
Authority to grant departmental permits	Authority to issue department permits provided eligibility of the applicable by-law/policy has been met
Fire Risk and Safety Management Plans	Authority to approve and comment Include notation in Monthly Activity Summary

Delegate - Director of Parks and Recreation

Delegated Powers and Duties	Criteria/Conditions
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign
Authority to grant departmental permits	Authority to issue department permits provided eligibility of the applicable by-law/policy has been met

Delegate - Director of Planning/EDO

Delegated Powers and Duties	Criteria/Conditions
Approve Plans and Drawings	<p>Authority to approve plans and drawings under subsection 41 of the Planning Act and revoke approval where it was granted due to false or incorrect information, it was granted in error, the applicant requests for the approval to be revoked or the project has not commenced after two years or receiving approval.</p> <p>Include notation in Monthly Activity Summary</p>
Execute Subdivision and Condominium Agreements	<p>Authority to approve execution of final subdivision agreements provided the application is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies, and further, that the draft agreement has been endorsed by Council</p> <p>Authority to clear Township conditions.</p> <p>Include notation in Monthly Activity Summary</p>
Execute Lot Consolidation and Development Agreements	<p>Authority to approve execution of development related applications provided the application is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies, which may include but is not restricted to, Director approved entrance permit standards, public works specifications, and the Building By-law.</p> <p>Notwithstanding the delegation of approval above, where so requested by either Council or the applicant, development related applications shall be approved by Council.</p> <p>Include notation in Monthly Activity Summary</p>
Deeming Applications Complete	<p>Authority to deem a complete application under Sections 22 (Official Plan Amendment), 34 (Zoning) and other sections requiring the submission of an application</p> <p>Include notation in Monthly Activity Summary</p>
Extensions to Draft Plan Approval	<p>Authority to support two draft plan extensions totaling no more than four (4) years to an existing approved draft plan. Request for a third extension must be brought to Council for consideration</p> <p>Authority to clear Township conditions.</p> <p>Include notation in Monthly Activity Summary</p>
Approve and amend agreements related to a second dwelling	<p>Include notation in Monthly Activity Summary</p>

Delegate - Director of Planning/EDO

Delegated Powers and Duties	Criteria/Conditions
Conditions of Consent	<p>Authority to determine Township Conditions of Consent and forward to the United Counties of SD&G for inclusion with the final decision.</p> <p>Authority to clear Township conditions.</p> <p>Include notation in Monthly Activity Summary</p>
Execute any annual indoor or outdoor facility leases and associated documents with various businesses and associations that are directly related to the Township's business objectives.	<p>Authority to approve execution provided the arrangement is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies and has been considered by Township Directors.</p> <p>Include notation in Monthly Activity Summary</p>
Approve, renew or amend a temporary use or leases associated with various businesses and associations that are directly related to the Township's business objectives up to a maximum of 60 days.	<p>Authority to approve execution provided the arrangement is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies and has been considered by Township Directors, up to a maximum of 60 days.</p> <p>Include notation in Monthly Activity Summary</p>

Delegate - Director of Public Works

Delegated Powers and Duties	Criteria/Conditions
Executing contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Joint tender contracts/agreements	Authority to sign contracts/agreements as authorized under current Procurement Policy and approved annual budget
Execute applications for federal or provincial funding/subsidy programs for operating costs or capital projects, as well as subsequent submissions that may be required for the receipt of funds	Authority to sign
Authority to grant departmental permits, entrance, ditch infill, streetlight shade, etc.	Authority to issue department permits provided eligibility of the applicable by-law/policy has been met
Utility /Municipal Permits and Consents	Authority to sign
Salt-use agreement	Authority to sign if within approved annual budget
Temporary Road Closures for road work and repairs	Include notation in Monthly Activity Summary
Temporary Road Closures for ceremonial events, parades and community celebrations	Include notation in Monthly Activity Summary