



**Municipality of Middlesex Centre
BY-LAW 2023-014**

Being a by-law to delegate certain powers and duties under the Municipal Act, 2001, S.O. 2001, c. 25, and other Acts

WHEREAS section 23.1 of the Municipal Act, 2001, S.O. 2001, c.25 (the Act) authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS section 224(d) of the Act states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the Act states it is the role of officers and employees of the municipality to; (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of Middlesex Centre has identified certain routine administrative functions to be delegated to staff to improve daily business efficiencies while continuing to adhere to the principles of accountability and transparency;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Middlesex Centre enacts as follows:

1. Purpose

The purpose of the Delegated Authority By-Law is to formalize and clarify the delegated authority assigned to staff in regards to certain administrative functions as set out in the Schedules appended hereto.

2. Definitions

- 2.1. "Council", means the Council for the Corporation of the Municipality of Middlesex Centre;
- 2.2. "Director", means a department head; or that person's designate;
- 2.3. "Person", means an individual, partnership, corporation, association, club, business entity, incorporated group or organization, federal or provincial government, crown agent, school board or regional or local municipality;
- 2.4. "Municipality", means the Corporation of the Municipality of Middlesex Centre;
- 2.5. "Municipal Lands", means lands owned by or leased or licensed to or under the management of the Municipality, Municipal easements, and shall include but not be limited to any road, lane, public highway, right of way, park, woodland, greenbelt, storm water management facility, open space, municipal cemetery and lands in which the Municipality holds any real property interest, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter, and sidewalk.

3. Roles & Responsibilities

- 3.1. THAT Council delegates the powers, duties, and restrictions thereto as set out in the Schedules A through D, appended hereto, to those officers and employees listed therein;
- 3.2. 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;
- 3.3. THAT the Chief Administrative Officer may act in the absence of any delegate that has been delegated authority under this By-law in time sensitive situations;
- 3.4. THAT Council retains the authority to reconsider and may revoke any delegated power that has been delegated pursuant to this By-law;
- 3.5. Where the exercise of a delegated authority requires an expenditure of money, funding for the expenditure shall be included in an approved budget and all relevant requirements of the purchasing and procurement procedures in effect at the time of the expenditure shall be followed.

4. Appointment of Signing Officers

- 4.1. The Mayor and the Clerk or their designates are hereby appointed signing officers of the Municipality and may jointly execute any document on behalf of the Municipality, unless specifically provided for in the Schedules appended.

5. Severability

- 5.1. In the event that any provision or part of this By-law is found to be invalid for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid;
- 5.2. In the event of any inconsistency between this By-law and any other Municipal by-law the more restrictive provision shall prevail to the extent of the inconsistency.

6. Title

This By-law shall be known as the “Delegated Authority By-law”

7. Final Passing

- 7.1. THAT the delegated authority pertaining to Section 34 of the Planning Act, R.S.O. 1990, found in schedule C of this by-law, does not come into force and take effect until after Amendment No. 61 to the Middlesex Centre Official Plan has been approved by the County of Middlesex in accordance with the provisions of Section 24(2) of the Planning Act, R.S.O 1990;
- 7.2. AND THAT this by-law shall come into force when it is passed and enacted by Council, save and except the delegated authority referred to in section 7.1.

PASSED AND ENACTED this 1st day of February, 2023.

Aina DeViet, Mayor

James Hutson, Municipal Clerk

Schedule “A” - General Administrative

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|---|--|
| Execute agreements, memorandums of understanding and undertakings for previously approved initiatives or administrative matters | Applicable Director | Municipal Act, 2001 | Consultation and/or Delegation to Appropriate Department Manager |
| Signing off on compliance documents from various provincial and federal ministries as it pertains to appropriate legislation | Applicable Director | Multiple | In accordance with legislative authority |
| Execute agreements, contracts or associated documents with respect to purchases in accordance with the Procurement of Goods and Services By-law 2020-102, or as amended and in place | Applicable Director | Procurement of Goods and Services By-law 2020-102, or as amended and in place | Consultation with Director of Corporate Services required |
| Approve, execute and amend data service agreements and any associated documents with respect to approved municipally generated projects | Applicable Director in consultation with the Director of Corporate Services/ <u>Treasurer</u> | | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|--|--|--|
| Authority to approve the execution of software licensing agreements | Director of Corporate Services/ <u>Treasurer</u> | | Consultation with Director of Corporate Services required |
| Approve and execute authorized requestor agreements with the Government of Ontario with respect to the Municipal Parking Tag Program, including vehicle and driver abstracts for various internal enforcement, safety and administrative purposes | Director of Building Service/Chief Building Official | Municipal Act, 2001 | |
| 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 Emergency Services – Fire Chief | Fire Protection and Prevention Act, 1997 | |
| Approve, renew, or amend any annual indoor or outdoor facility leases and associated documents with various businesses and associations that are directly | Director of Community Services | | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|--------------------------------|--|---|
| related to the Municipality's business objectives | | | |
| 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 \$20,000 per agreement or contract per year | Director of Community Services | | |
| Designate events as municipally significant for the purposes of the Special Occasion Permit process | Municipal Clerk | Designation of Municipally Significant Events By-law 2019-088, or as amended | Compliance with all applicable AGCO Regulations |
| Apply to the Chief Judge for short form wordings and set fines for licensing and regulatory by-laws approved by Council | Municipal Clerk | Municipal Act, 2001 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|--|---|---|
| Negotiate and settle claims against the municipality within insurance deductible limit | Chief Administrative Officer | | |
| Develop, approve and implement administrative, policies, procedures and practices in the exercise of authority under Section 229 of the Municipal Act, 2001 | Chief Administrative Officer | Municipal Act, 2001 | |
| Authority to approve, execute documentation as required, and conclude real estate transactions involving the sale of an interest in land or property | Chief Administrative Officer & or Municipal Clerk | Disposition of Property By-Law 2012-043, or as amended and in place | All applicable Council-approved policies including by-laws governing the sale and disposition of land have been met |

Schedule “B” - Financial Management

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|--|------------------------------|--|
| Prepare and administer appropriate write-off procedures and best practices relating to receivable accounts deemed | Director of Corporate Services/Treasurer & | Municipal Act, 2001 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|---|-----------------------|-----------------------------------|
| uncollectable up to a maximum of \$10,000 per account | Chief Administrative Officer (2 Signatories Required) | | |
| Execute and administer all approved grant funding amounts and documents | Director of Corporate Services/Treasurer & Chief Administrative Officer (2 Signatories Required) | | |
| Make technical adjustments to the annual approved capital and operating budget based on business needs and good accounting practices | Director of Corporate Services/Treasurer | Municipal Act, 2001 | |
| Establish new reserve funds as a result of the approved annual budget | Director of Corporate Services/Treasurer | | |
| Approve submission of 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 | Applicable Director in consultation with the <u>Director of Corporate Services/Treasurer</u> & | | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|--|---|
| such grants represent the full value of the service or capital improvement | Chief Administrative Officer (2 Signatories Required) | | |
| Execute and submit any financial reporting requirements associated with the receipt of grant funds | Director of Corporate Services/Treasurer | | |
| Purchase as per the Procurement of Goods and Services By-law 2020-102, or as amended and in place | Applicable Director | Procurement of Goods and Services By-law 2020-102, or as amended | Consultation with Director of Corporate Services required |
| Process tax adjustments under Sections 354, 356, 357, 358, and 359 of the Municipal Act, 2001 (in accordance with By-law 2022-041) | Director of Corporate Services/Treasurer (or their designate) | Municipal Act, 2001 | |
| Approval of Tax and/or Water Write-Offs and increases relating to gross manifest errors | Director of Corporate Services/Treasurer (or their designate) | Assessment Act, 1990 Municipal Act, 2001 | |
| Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for | Director of Corporate Services/Treasurer (or their designate) | Assessment Act, 1990 Municipal Act, 2001 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|---|--|
| electronic download of property assessment information | | | |
| Mediate and settle proceedings at the Assessment Review Board and execute Minutes of Settlement of Assessment Review Board | Director of Corporate Services/Treasurer (or their designate) | Assessment Act, 1990 Municipal Act, 2001 | |

Schedule “C” – Development Matters

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|--|--|--|
| Issuance of a Statement of Concurrence for proposed telecommunication towers In accordance with By-law 2011-067 | Director of Building Service/Chief Building Official | By-law 2011-067, or as amended | |
| Authorization of a Conditional Building Permit Agreement | Director of Building Service/Chief Building Official | Building By-law 2012-008, or as amended | |
| The authority to issue any permit authorized under the Building Code Act in the absence of the Chief Building Official | Deputy Chief Building Official | Building Code Act, 1992 Municipal Act, 2001 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|---|--|
| <p>Authority for the temporary appointment of Building Inspectors in case of a significant event (such as a tornado)</p> | <p>Director of Building Service/Chief Building Official</p> | <p>Building Code Act, 1992</p> <p>Municipal Act, 2001</p> | |
| <p>Approve and amend the following documents or matters:</p> <ul style="list-style-type: none"> • any site plan agreements in accordance with the Planning Act, as amended. (In accordance with By-law 2022-059) • 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 process | <p>Director of Building Service/Chief Building Official</p> <p>Director of Public Works and Engineering</p> | <p>Building Code Act, 1992</p> <p>Municipal Act, 2001</p> <p>Site Plan By-law 2022-059, or as Amended</p> | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|--|-----------------------|--|
| <ul style="list-style-type: none"> agreements required as a condition of a Committee of Adjustment decision | | | |
| Provide approval to developers of road names | Director of Public Works and Engineering | | |
| Execute Temporary Use Agreements upon approval of By-law by Council | Director of Building Service/Chief Building Official | Municipal Act, 2001 | |
| 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. | Applicable Director in consultation with the Treasurer | | |
| Execute Severance and Development Agreement upon | Director of Public Works and Engineering | | All Agreements Authorized by Municipal |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|---|--|--|
| Consent Application approval by Council | Director of Building Service/Chief Building Official | | By-law; Two Signatures Required |
| Delegate the authority to pass by-laws under section 34 of the Planning Act (Zoning By-laws) that are minor in nature. Specifically, these by-laws include: <ul style="list-style-type: none"> • Removing holding “H” symbols • Passing Temporary Use By-laws | Director of Public Works and Engineering or Manager of Planning & or County Planner | Section 34 Planning Act, 1990 (Schedule 19 of Bill 13) | All applicable legislative requirements, including public meeting requirements must be met |

Schedule “D” - Transportation and Public Utilities Matters

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|--|-----------------------------------|--|
| Authority to reduce load limits on Highways under the Highway Traffic Act. | Director of Public Works and Engineering | Highway Traffic Act, 1990 | |
| Authority to sign and approve CVOR licence application | Director of Public Works and Engineering | | |
| Singing authority for motor vehicle inspection stickers and certificates | Transportation Manager & Director of | Motor Vehicle Inspection Stations | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|--|------------------------------|-----------------------------------|
| on behalf of the licensee (Municipality of Middlesex Centre) | Public Works and Engineering | | |
| Designate temporary no parking or stopping zones in the interests of safety when an emergency has arisen | Director of Public Works and Engineering | | |
| 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 | Director of Public Works and Engineering | | |
| Approve, execute, amend and terminate agreements and associated documents in accordance with energy utility funding and incentive programs | Director of Public Works and Engineering Director of Community Services | | |
| Review, approval, termination, or rejection of encroachment agreements. | Director of Public Works and Engineering | Encroachment by-law - number | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|---|---|---|
| Signing Authority for Agreements below \$50,000 value and or leases below \$50,000 and do not exceed 1 year in length, and where no separate Council approval is required | Director of Public Works and Engineering | | |
| Register any instrument on behalf of the Municipality against the title to lands in which the Municipality has an interest | Director of Public Works and Engineering | | |
| Approval of Drainage Reapportionment | Director Of Public Works and Engineering &-or Drainage Superintendent | The Drainage Act R.S.O. 1990, c. D. 17, s. 65 (2) | Annual report brought to Council containing listing of all drains reapportioned for year. |
| Authorization to manage and perform maintenance, removals, and planting of trees within the Municipality's right-of-way and property | Director Of Public Works and Engineering &-or Transportation Manager | Municipal Act, 2001 | |
| Authority to execute applications for new entrance permits and culvert installations; | Director of Public Works &-or Transportation Manager | Municipal Act, 2001 | |
| Issuance of Road Occupancy Permits, Entrance Permits, and Municipal Consent for utility maintenance and works within road | Director of Public Works &-or Transportation Manager | Utility/Occupancy Agreements | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|---------------------------|-----------------------------------|
| right-of-way, and/or for Road Closures including Special Events. Authority to set deposit amounts that exceed the minimum as may be appropriate | | | |
| May temporarily close any highway or portion of a highway: A) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of highway; B) Social, recreational, community, athletic or cinematographic purpose, or combination thereof; C) For any request under emergency services; D) For construction purposes when public safety may be impacted | Director of Public Works & or Transportation Manager & Manager of Water and Wastewater Operations | Highway Traffic Act | |
| Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones. | Director of Public Works & or Transportation Manager | Highway Traffic Act, 1990 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|--|-----------------------------------|
| Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards | Director of Public Works and Engineering and or Transportation Manager | Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways | |
| Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities | Director of Public Works & or Transportation Manager | Mutual Aid Agreement between Local Area Municipalities | |
| Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable. | Director of Public Works & or Transportation Manager | | |
| Licensing agreements for municipal right of ways | Director of Public Works and Engineering | | |
| Authority to Approve Traffic Signal Drawings | Director of Public Works & or Transportation Manger | | |
| Authority to submit required aggregate resource compliance assessment reports and amend licensed aggregate site plans | Director of Public Works & or Transportation Manager | Aggregate Resource Act, 1990 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|--|---|--|---|
| Delegation of authority to appoint municipal weed inspectors | Director of Public Works and Engineering | Section 6(1) Weed Control Act, 1990 | |
| Authority to sign agreements with CN and or CP for cost sharing of warning systems at level rail crossings | Director of Public Works and Engineering | | |
| Delegation of authority to issue move permits | Director of Public Works and Engineering & or Transportation Manager | Municipal Act, 2001, Section 23.1 | |
| Site Alteration agreements | Director of Public Works and Engineering | Site alteration By-law 2016-087 | |
| Make applications for Certificates of Approval for Permits to Take Water | Director of Public Works and Engineering | Environmental Protection Act, 1990 | |
| Approve execution of agreements for acquisition/disposition of temporary easements or lands as required for approved capital projects or other municipal purposes, together with | Director of Public Works and Engineering | Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|--|-----------------------------------|---|
| such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$50,000 | | | independent solicitor advice |
| Approve the release and conveyance of reserves of land held for purposes of development control and not exceeding 300 mm (one foot) in width, to the holder in fee simple of properties abutting upon the reserves of land to be released and conveyed for nominal consideration. | Director of Public Works and Engineering | Land Titles/Registry Act | Consultation with Township solicitor required |
| Authority to enter into Local Authority Services (LAS) supplier agreements for Capital Equipment acquisition, in a form satisfactory to the Director, on an as required basis and subject to a review of the requirements, budget availability, and competitiveness for each acquisition. | Director of Public Works and Engineering | Procurement Policy | |
| Delegation of authority to enter into agreements with landowners for live snow fences | Director of Public Works and Engineering | Municipal Act, 2001, Section 23.1 | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|---|-----------------------|-----------------------------------|
| Authority to negotiate with Middlesex County for the installation and maintenance of Pedestrian Crossovers (PXO) | Director of Public Works and Engineering | | |
| Authority to sign Vehicle ownerships on behalf of the municipality | Director of Public Works and Engineering and or Transportation Manager | | |
| Water System Modification: Form 1 for Record of Watermains Authorized as a future alteration Form 2 Minor Modification or Replacement to the Drinking Water | Director of Public Works and Engineering <u>Or</u> Manager of Water and Wastewater Operations | | |
| Consolidated Linear Infrastructure System Forms Form SW 1 -Future alteration Authorized for Storm Sewers / Ditches and Culverts Form SW 2 - Future alteration Authorized for Stormwater management facilities Form SW 3 - Future alteration Authorized for Third Pipe Collection Systems | Director of Public Works and Engineering <u>Or</u> Manager of Water and Wastewater Operations | | |

| Delegated Authority | Delegate(s) | Legislative Authority | Conditions/Restrictions and Notes |
|---|-------------|-----------------------|-----------------------------------|
| <p>Form CS 1 - Alteration Authorized for Combined Sewers/Partially Separated Sewer and Storage Structures</p> <p>Form SS1 - Future Alteration Authorized for Separate Sewers/Nominally Separate Sewers/ Forcemain</p> <p>Form SS3 - Future Alteration Authorized for Components of the Municipal Sewage Collection System</p> | | | |