



**Municipality of Middlesex Centre
BY-LAW 2024-0xx**

Being a by-law to delegate certain powers and duties under the Municipal Act, 2001, S.O. 2001, c. 25, and other Acts and to repeal by-law 2023-014

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;

AND WHEREAS the Council of the Corporation of the Municipality of Middlesex Centre has previously adopted **by-law 2023-014** and deems it expedient to repeal and replace this by-law;

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;

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. A delegation of an authority may be sub-delegated by the initial delegate, provided that the initial delegate shall remain responsible to the Council regarding the exercise of the authority, despite the sub-delegation.

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. 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.

3.6. 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. Severability

4.1. 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;

4.2. 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.

5. Title

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

6. Final Passing

6.1. 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;

6.2. 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.

7. Repeal

7.1. THAT By-law 2023-014 is hereby repealed.

PASSED AND ENACTED this _____ day of _____, 2022.

Aina DeViet, Mayor

James Hutson, Municipal Clerk

Schedule “A” - General Administrative

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Authority to delegate authority when positions identified in this by-law are changed or no longer exist	Chief Administrative Officer	Municipal Act, 2001	
<p>Legally bind the Municipality by executing an agreement without by-law approval if the following criteria are met:</p> <ul style="list-style-type: none"> a) the subject matter is non-financial or procured in accordance with the purchasing policy and for which approved operating or capital budget exists; and b) the subject matter is of an administrative or operational nature and relates to the management of the Municipality 	Applicable Director	Municipal Act, 2001	
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

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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
Authority to approve the execution of software licensing agreements	Applicable Director	Municipal Act	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	Consultation required with any other affiliated partner.

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Negotiate, approve and amend existing and newly formed service agreements respecting building inspection or by-law enforcement services with adjoining municipalities and jurisdictions adjacent to or within the Municipality and any other affiliated partner	Director of Building Service/Chief Building Official	Municipal Act, 2001	Consultation required with any other affiliated partner.
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	Municipal Act, 2001	
Approve, execute and amend agreements and associated documents with respect to community service arrangements regarding parks and recreation programs, services and events.	Director of Community Services	Municipal Act, 2001	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Approve, execute and amend agreements and associated documents with respect to facility rentals and bookings.	Director of Community Services	Municipal Act, 2001	
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	
Authority to make minor clerical, typographical or grammatical corrections to any Council record or documentation, including but not limited to: By-laws, Motions, Resolutions, Agendas and/or Minutes.	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
Approve submission of grant funding applications that would reduce expenditures associated with projects, programs and	Applicable Director	Municipal Act, 2001	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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			
Execute and administer all approved grant funding amounts and documents	Applicable Director in consultation with Director of Corporate Services/Treasurer	Municipal Act, 2001	
Prepare and administer appropriate write-off procedures and best practices relating to receivable accounts deemed uncollectable up to a maximum of \$10,000 per account	Director of Corporate Services/Treasurer & Chief Administrative Officer (2 Signatory's Required)	Municipal Act, 2001	
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	Municipal Act, 2001	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Execute and submit any financial reporting requirements associated with the receipt of grant funds	Director of Corporate Services/Treasurer	Municipal Act, 2001	
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
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
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	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information	Director of Corporate Services/Treasurer (or their designate)	Assessment Act, 1990 Municipal Act, 2001	
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 Services/Chief Building Official	By-law 2011-067, or as amended	
Authorization of a Conditional Building Permit Agreement	Director of Building Services/Chief Building Official	Building By-law 2023-098 , or as amended	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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	
Authority for the temporary appointment of Building Inspectors in case of a significant event (such as a tornado)	Director of Building Services/Chief Building Official	Building Code Act, 1992 Municipal Act, 2001	
<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 • agreements required as a condition of a Committee of Adjustment decision 	<p>Director of Building Services/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
Provide approval to developers of road names	Director of Public Works and Engineering		
Execute Temporary Use Agreements	Director of Building Services/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 Consent Application approval by Council	Director of Public Works and Engineering Director of Building Services/Chief Building Official		All Agreements Authorized by Municipal 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 	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

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
<ul style="list-style-type: none"> • Passing Temporary Use By-laws 			
Authority to Execute Limiting Distance Agreements	Director of Building Services/Chief Building Official	Ontario Building Code Section(s) 3.2.3.1.(11)(a) and 9.10.14.2 (4)(a)	

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 & or Transportation Manager	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 on behalf of the licensee (Municipality of Middlesex Centre)	Director of Public Works and Engineering	Motor Vehicle Inspection Stations	
Designate temporary no parking or stopping zones in the interests of safety when an emergency has arisen	Director of Public Works and Engineering		

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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	
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.

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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	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 right-of-way, and/or for Road Closures including Special Events.	Director of Public Works & or Transportation Manager	Utility/Occupancy Agreements	
May temporarily close any highway or portion of a highway	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	
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	
Delegation of authority to appoint municipal weed inspectors	Director of Public Works and Engineering	Section 6(1) Weed Control Act, 1990	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
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 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	

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Authority to enter into Local Authority Services (LAS) supplier agreements for Capital Equipment acquisition, 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	
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		
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 Manager of Water and Wastewater Operations		

Delegated Authority	Delegate(s)	Legislative Authority	Conditions/Restrictions and Notes
Consolidated Linear Infrastructure System Forms	Director of Public Works and Engineering Manager of Water and Wastewater Operations		