

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2022-29

A By-law to provide for the Delegation of Administrative/Signing Authority by Council and to repeal By-law 2019-55

WHEREAS Section 270 (1) 6 of *the Municipal Act, 2001*, S.O. 2001, c.25, (the Act), requires that a municipality shall adopt a policy with respect the delegation of its routine powers and duties; and

WHEREAS Council, by way of By-law 2007-72, adopted a policy for the delegation of routine or minor powers and duties to staff; and

WHEREAS the *Municipal Act, 2001*, S.O 2001, Chapter 25, (the Act), Section 8 provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

WHEREAS Section 9 of the *Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other *Act*;

WHEREAS the *Act* provides that a by-law may be general or specific in its application and may differentiate in any way and on any basis a municipality 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 MIDLAND HEREBY ENACTS AS FOLLOWS:

1. That Staff of the Corporation the Town of Midland are hereby delegated the powers and duties in accordance with the Delegation of Administrative/Signing Authority Policy CP-2019-08 and as set out in Appendix "A" of this By-law.
2. That Council of the Corporation of the Town of Midland hereby has the sole discretion to request Staff to report on specific matters prior to final approval.

3. That the delegated powers and duties may be amended or revoked from time to time by the Council of the Corporation of the Town of Midland by Resolution or By-law as required, to reflect Council's transparency and Accountability requirements.
4. That By-law 2019-55 is hereby repealed.
5. That this By-law shall come into force and effect on the final passage thereof.

BY-LAW PASSED AND ENACTED THIS 4TH DAY OF MAY, 2022.

THE CORPORATION OF THE TOWN OF MIDLAND



STEWART STRATHEARN - MAYOR



SHERRI EDGAR - CLERK



Appendix "A" to By-law 2022-29
Delegation of Administrative/Signing Authority

Agreements – Signing Officers			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
1	Mayor or Delegate) and Clerk	<p>The Mayor or Delegate and Clerk are authorized to execute any Planning Act and related agreements without the requirement for a By-law including but not limited to the following:</p> <ul style="list-style-type: none"> a) Site plan agreements b) Subdivision agreements c) Condominium agreements <ul style="list-style-type: none"> • Development agreements not listed here that implement various planning approvals and those of a general nature 	
2	Director or designate responsible for the program and Treasurer or Clerk	<p>Financial/Grant Applications to any government, agency or fund for receipt of:</p> <ul style="list-style-type: none"> • Compensation; • Funding; or • any form of subsidy; related to any Town programs, operations or capital projects. <p>Includes subsequent submissions, declarations or representations required for processing the application or the receipt of funds or any Agreements required for the receipt of the funds.</p>	Should Council not approve the application following the Town's submission, staff would proceed to withdraw the application.
3	Director responsible for the program or Designate or Treasurer	Reduction of water or sewer charges, penalties or interest up to a limit of \$500	<p>Implemented to incent customers to bring aging accounts up to date or resolve customer service disputes.</p> <p>Only those debts for which all reasonable and appropriate collection action has been taken can be submitted for write-off.</p>



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4	Director or Designate responsible for the program.	Documents required for the operation of water and wastewater services including documents prescribed by Regulation/Legislation.	<i>The Safety Drinking Water Act.</i>
5	Director or Designate responsible for the program.	Agreements providing for the control of access, ingress and egress to and from highways; occupancy of highways and over size load permits.	
6	Director or Designate responsible for the program.	Agreements, including Cost Sharing Agreements with Simcoe area municipalities, regarding road construction and/or road maintenance pursuant to projects or programs considered or approved by Council.	Costs would need to be included in the annual budget.



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7	Director or Designate responsible for the program and the Clerk.	Contracts or agreements for the design, construction, contract administration or the installation of any works or buildings provided that the procurement of the goods and services in question has been approved in accordance with the Procurement By-law.	Subject to the Procurement By-law.
8	Director or Designate responsible for the program.	Permission to Enter Agreements and other documents permitting the Town or its contractors or agents to enter upon land for any of the purposes of the Town or agreements and other documents permitting others or their contractors or agents to enter upon lands of the Town.	
9	Director or Designate responsible or Clerk or Treasurer	Simple Agreements not under seal (ex. facility rental agreements, school board, vendor agreements)	Agreements within the annual budget and in accordance with the Town's Procurement By-law
10	The Clerk or Director or Designate responsible for the program.	Facility licence or rental agreements for occupancy of space on a short term (not more than 1 year in length) basis for the purposes of the Town, such as staff meetings, public meetings and open houses and for the occupancy of Town lands or premises on a short term basis by others, such as but not limited to the use of meeting rooms and the Council Chamber.	Subject to internal Legal Review
11	Mayor and Clerk	Occupancy/ Lease Agreements to lease of premises required for Town purposes and any such Acknowledgements and agreements to lease Town lands to other parties, as approved by Council.	Subject to internal Legal Review



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12	Mayor and Clerk	<p>Agreements of purchase and sale and all deeds, transfers and other documents required to effect registration for the acquisition, purchase, sale or exchange of any interest in land including, without limitation, easements, rights of first refusal, that have been approved by Council.</p> <p>Authority above includes supplemental forms under the <i>Land Registration Reform Act</i> for the registration of any documents that have already been executed on behalf of the Town.</p> <p>Applications on behalf of the Town for entry or removal of a notice or caution of any kind, an inhibiting order, depositing a reference plan or similar registration of any kind in the Land Registry Office.</p>	Subject to internal Legal Review
13	Director or Designate responsible or Clerk	Service agreement renewals for operational and equipment needs.	Subject to Purchasing By-law
14	Clerk and Mayor	Encroachment Agreements	<p>Subject to consultation with appropriate municipal departments and agencies.</p> <p>Subject to internal Legal Review</p> <p>Notice to be given to public and Council</p> <p>Denied request can be appealed to Council</p>



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Administration			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
15	Mayor or Clerk	Issue Proclamation Requests and Flag Raisings	By-law 90-69 and 2007-73
16	Clerk or Deputy Clerk	Administration of the Municipal Freedom of Information & Protection of Privacy Act and for decision made thereunder.	Policy – By-law – in accordance with the Council approved records retention by-law. Subject to Town auditors
17	Clerk	Amend the records retention periods for the record of the Corporation including Cause the destruction of corporate records which have been retained for the established retention period.	
18	Clerk or designate	Delegation to perform civil marriage ceremonies	Marriage Act – Registrar Generals office requirement to be notified by the Clerk of the appointment.
19	Clerk or Designate	To Act as the Division Registrar and Deputy Registrar	Vital Statistics Act – Registrar Generals Office requirement to be notified by the Clerk of appointment.
20	Manager of Culture and Community/ Manager of Culture, Tourism & Special Events	Approve charity walks/rides that do not involve road closures	Notice of events to be included in CIP.
21	Manager of Tourism and Special Events	Approve Special Events that are held annually in accordance with the Special Events Policy.	New events requiring a licence from the liquor licensing authority , or are of a significant size will require Council approval.
22	Clerk or designate	Issue letters designating events on municipal property as municipally significant.	Res. 2017-213 Event must meet the requirements of the Town's Special Events Policy.



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Administration			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
23	CAO	<p>Lame Duck Periods</p> <p>During a 'lame duck' period, the CAO is delegated the authority to:</p> <p>Appoint or remove from office any officer of the municipality provided that the appointment is not required under the Act.</p> <p>Dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.</p> <p>Make any expenditures or incur any other liability which exceeds \$50,000 for which was not provided for in the annual budget approved by Council.</p> <p>The CAO and the Treasurer are authorized to approve capital projects that are underway that exceed the previous approved capital funding amounts.</p>	<p><i>Municipal Act</i> Section 275 <i>Municipal Act</i> s. 23.3(1) and</p>
24	CAO or Director Corporate Services	<p>Documents required for the settlement or compromise of any claim, action application or other proceeding brought or made by or against the Town subject to the parameters of the Town's insurance coverages.</p>	<p>Provided the matter and general outcome is consistent with corporate policy and insurer</p> <p>Subject to review, investigation and authorization of the Town's insurer as applicable.</p>
25	CAO, Director Corporate Services and Solicitor	<p>Retainer of external legal services to provide legal services for uninsured legal matters and provision of general legal services and opinions</p>	<p>Subject to annual budget and in accordance with the Town's Procurement By-Law</p>



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26	CAO or Director Corporate Services	Insurance – Settlement of Small Insurance Claims	Authority to handle claims for amounts less than \$25,000 Annual report to Council if any claims approved.
27	CAO or Director Corporate Services	Insurance – Third Party	Authority to pursue and settle with third parties for the recovery of Town property damage claims.



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Administration			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
28	Applicable Director, Designate or Clerk	Bring by-laws on the following matters to Council for approval without the submission of a corresponding staff report: <ol style="list-style-type: none"> 1. staff appointments 2. records management and retention 3. fire routes 4. dedication of roads as part of a public highway system 5. assumption of services and works within approved subdivisions 6. traffic matters minor in nature and relative to internal approval processes 7. grant applications 	



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Finance			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
29	CFO, Treasurer, Designate or CAO	Sign development charges late payment agreements	In accordance with the Town's Development Charges By-law 2014-79 and the <i>Development Charges Act</i>
30	CFO, Treasurer or Clerk	Sign Minutes of Settlement and represent the Town regarding property assessment appeals to the Assessment Review Board.	Subject to internal legal review. <i>The Assessment Act</i>
31	CFO, Clerk or Treasurer	Enter info and execute data sharing agreements for the use of MPAC assessment information	<i>The Municipal Act</i> Must comply with terms and conditions of Municipal Connect Product Use Sheet Documented consultation with appropriate Director and subject to internal legal review. <i>The Municipal Act</i>
32	CFO, Treasurer and Mayor	Signing authority for banking services	<i>The Municipal Act</i>
33	As set out in the Town's Purchasing Policy	Purchase or disposition of goods and services	As set out in the Town's Purchasing Policy Procurement By-law 2018-52



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Fire Services			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
34	Fire Chief or Designate	CEMC Amendments to the Emergency Response Plan and Emergency Management Program Authority to: <ul style="list-style-type: none"> • make revisions and amendments to the Emergency Response Plan and Emergency Management Program as required • to negotiate and execute agreements between the municipality and other municipalities, agencies, or organizations to supplement specialized emergency planning, response or recovery services. 	Emergency Management and Civil Protection Act
35	Fire Chief or Designate	Authority to take all proper measures for the prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by the Fire Protection and Prevention Act	Fire Protection and Prevention Act
36	Fire Chief or Designate	Renewal of service agreements for equipment, programs and emergency services. e.g. compressor, pump testing, ladder testing, dispatch agreements and County Wildland Fire Agreements.	
37	Fire Chief or designate	Authority to review risk and safety management plans (RSMP) submitted by propane operations related to the storage and handling of propane.	Res. 2011-63



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Human Resources			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
38	Director or Designate	<p>Contracts of Employment</p> <p>By way of any form of communication but not including:</p> <ul style="list-style-type: none"> - Collective agreements and amendments thereto and - Contract of employment for any statutory positions as well as the position of Chief Administrative Officer and or senior management team. 	consent of the Manager of Human Resources, in consultation with the CAO.
39	Director or Designate	<p>Temporary Staffing</p> <p>Contract, student, secondment and related agreements for persons being placed at the Town of Midland with another organization, including educational institution or agency where there is an agreement approved by the Procurement process.</p>	Consent of the Manager of Human Resources in consultation with the CAO.
40	Director	<p>Minutes of Settlement (Labour Relations)</p> <p>Minutes of settlement and other documents required for the settlement of any labour relations matters.</p>	in collaboration with the Director Corporate Services or Solicitor (for proceeds of settlement up to \$100,000) The Chief Administrative Officer (for proceeds for settlement up to \$1,000,000)
41	Director	<p>Memoranda of Agreement (Labour Relations)</p> <p>Memoranda of agreement pertaining to collective bargaining negotiations provided that such memoranda are conditional upon Council approval.</p>	in collaboration with the Director Corporate Services / Solicitor, in consultation with the CAO.



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Human Resources			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
42	Director or designate	Benefits Administration Administration of Benefits including: Health, Dental, STD, LTD, WSIB and OMERS	in consultation with the CAO.



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Municipal Law Enforcement Officer (MLEO)			
#	Delegate	Delegated Authority	Limitations/Restrictions and/or Source of Power or Duty
43	MLEO	Approve exemptions to the Noise Control By-law	For events that have been exempted in the past. By-law 2009-104
44	MLEO	Issue licences pursuant to the Fireworks By-law	By-law 2007-8
45	MLEO	Issue licences pursuant to the Business Licencing By-law To license and regulate Auctioneers, Hawkers and Peddlers, Farmers' Markets and Refreshment Vehicles	By-law 2010-28
46	MLEO and Chief Building Official	Administration and Enforcement of Sign By-law Chief Building Official responsible for the issuing of Sign Permits	By-law 2011-79
47	MLEO	Issue licences pursuant to the Taxi By-law	By-law 2017-87
48	MLEO	Temporary designate additional accessible parking spaces during special events.	
49	MLEO	Municipal Weed Inspector – for the purpose of enforcing the Weed Control Act	By-law 2006-56
50	MLEO	Authorize Annual Treasurer Day Weekends	
51	MLEO	Authorize Annual Permit Free Garage Sale Weekends	By-law 2012-52



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Operations			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
52	Director or designate	Approve temporary road closures on streets and laneways: <ul style="list-style-type: none"> • For construction and maintenance work • Lowering posted speed limits within a construction zone • Street parties • Festivals • Races • Parades • Detour routes • Sidewalk and trail closures • Temporary road crossings • Temporary intersections 	Municipal Act 23.2(5) By-law 2007-73 Subject to consultation with appropriate municipal departments and agencies Notice to be given to the public and Council
53	Director or designate	Approve the temporary removal of parking restrictions during construction activities.	
54	Director or Designate	Approve temporary weight and speed restrictions on roads	



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Planning and Development			
#	Delegate	Delegated Authority	Source of Power/Duty and/or Limitations/Restrictions
55	Director	Site alteration, pre-servicing and tree cutting agreements	
56	Director of Planning Building and By-law or Delegate	Planning Act Agreements Authority to prepare all applicable agreements related directly and indirectly (as appropriate to the satisfaction of the Director of Planning, Building and By-law or Designate) to Planning Act applications without requirement for Council approval for execution by Mayor or Designate and Clerk	Planning Act as applicable
57	Director of Planning Building and By-law or Delegate	Part Lot Control and Deeming By-law Authority to approve applications for Part Lot Control and Deeming By-laws that are located within a registered Plan of Subdivision. Bylaw would go to Council for approval.	Planning Act as applicable
58	Director of Planning Building and By-law or Delegate	Determining Application Type Authority to determine and distinguish between different categories of Planning Act applications (i.e. minor/major or as appropriate) and assign associated fees approved in the fees by-law.	By-law 2009-81
59	Director of Planning Building and By-law or Delegate	Ontario Heritage Act Authority to: <ul style="list-style-type: none"> make amendments to Built Heritage Inventory approve permit applications for alterations to heritage designated properties	By-law 2007-73, Ontario Heritage Act, s. 33 & 42
60	Director or Delegate	Assigning Municipal Addresses Assign and maintain a system for the assigning of Municipal Addresses to Buildings or Lots and Street Names to public and private Streets within the Town as set out in the Municipal Addressing Manual.	By-law 2010-47



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61	Director of Planning Building and By-law or Delegate	<p>Public Consultation Authority to schedule public meetings, public information centres and open houses regarding and related to Planning Act applications and community planning initiatives.</p>	Planning Act as applicable By-law 2013-84 By-law 2019-59
62	Director of Planning Building and By-law or Delegate	<p>Plan of Subdivision Authority with respect to all matters provided for by Plans of Subdivision 51(1) 51. (2) and 51 ((58) of the Planning Act, 1990, as amended and as otherwise may be applicable to:</p> <ul style="list-style-type: none"> • approve plans of subdivision and condominiums and/or revisions including to the draft plan and/or conditions of draft approved plans of subdivision and plans of condominium if reviewed by Council during the development approval process; • approve changes to draft plans of subdivision and condominium and changes to conditions without Council review or the requirement for notice where in the opinion of the Director of Planning, Building and By-law or Designate, those changes are determined to be minor and do not alter the intent of Council's draft plan approval; • determine if a plan of condominium may be exempt from a formal plan of condominium process • issue two draft plan extensions totalling no more than four (4) years to an existing Council approved draft plan. Request for a third extension must be brought forward to Council for consideration; <p>prepare subdivision and condominium agreements for execution by Mayor or Delegate and Clerk</p>	Planning Act as applicable 51(1) 51(2) 51(47) 51(58) By-law 2013-84 By-law 2019-59
63	Director of Planning Building and By-law or Delegate	<p>Application Completeness/Receipt Authority to determine whether or not applications under the Planning Act are deemed complete or incomplete and/or sufficient for receipt and processing as may be applicable.</p>	Planning Act as applicable, s. 22(6.1), 34(10.4), 51(19.1) 53(3), 45(4) By-law 2013-84 By-law 2019-59 By-law 2002-88



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64	Director of Planning Building and By-law or Delegate	<p>Complete Application Requirements Authority to:</p> <ul style="list-style-type: none"> establish application requirements including but not limited to any drawings, studies, reports and their respective contents; require that reports and studies be structured by way of a terms of reference that may be prepared by the applicant and be approved to the satisfaction of the Director of Planning, Building and By-law or Delegate as part of pre-consultation prior to filing a formal application for consideration as a complete application in accordance with the Planning Act; <p>prepare and update any terms of reference for issuance as necessary as requirements for the preparation of drawings, studies and reports.</p>	Planning Act as applicable s. 22(6.1), 34(10.4), 51(19.1) 53(3) By-law 2013-84 By-law 2019-59
65	Director of Planning Building and By-law or Delegate	<p>Pre-Consultation Authority to conduct pre-consultation processes and to determine as applicable with regard to the subject Planning Act applications:</p> <ul style="list-style-type: none"> where multiple applications are involved in a development project when additional separate pre-consultation processes are required for respective application types; timing/scheduling of pre-consultation process; when pre-consultation process begins and ends prior to a formal application being considered for submission; sufficiency of the contents of a pre-consultation application as a prerequisite to the pre-consultation process beginning; form and duration of required pre-consultation process; whether or not to waive pre-consultation process requirements; whether or not an application is premature to conduct pre-consultation; and the application submission requirements necessary to constitute a complete application. 	Planning Act, s. 22(3.1), 34(10.0.1), 41(3.1), 51(16.1) 53(3) By-law 2013-84 By-law 2013-84 By-law 2019-59



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66	Director of Planning Building and By-law or Delegate	<p>Site Plan Control Authority to:</p> <ul style="list-style-type: none"> • approve site plan applications & amendments to site plan applications and conditions of approval • remove site plan agreements from title prior to and/or in conjunction with approval and/or registration of updated site plan agreement on a property • prepare site plan agreements without Council approval for execution by Mayor or Delegate and Clerk. 	<p>Planning Act, s. 41 By-law 2013-13 By-law 2013-84 By-law 2019-59</p>
67	Director of Planning Building and By-law or Delegate	<p>Parkland or Cash-in-Lieu Authority to calculate and determine the lands or dollar amount required to be conveyed to the Town as parkland or cash-in-lieu of parkland, as it relates to an application made under the Planning Act.</p>	<p>Planning Act, s.51.1, 51.2, 53 By-law 2013-84 By-law 2019-59</p>
68	Director of Planning Building and By-law or Delegate	<p>Ontario Land Tribunal Dispute Resolution Authority to determine whether to employ dispute resolution techniques for appeals to applications for applicable Planning Act applications.</p>	<p>Planning Act s. 51(49.1), 34, 53, 41, 45,</p>
69	Director of Planning Building and By-law or Delegate	<p>Telecommunication Towers and Antenna Facilities Authority to update Telecommunication Towers and Antenna Facilities in accordance with revisions made by Industry Canada</p>	<p>CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems; Other policies as applicable.</p>
70	Director of Planning Building and By-law or Delegate	<p>Sign By-law Authority to approve minor variances and amendments to the Town's Sign by-law.</p>	
71	Director of Planning Building and By-law or Delegate	<p>Agreement imposed by the Committee of Adjustment Authority to prepare and execute agreements that fulfill conditions imposed by the Committee of Adjustment in relation to an approved Minor Variance and/or Consent applications</p>	<p>Planning Act s.45 (9.1)</p>