

## CORPORATION OF THE COUNTY OF PERTH

### BY-LAW No. 3510-2016

Being a By-law to Delegate Routine Powers and Duties

**WHEREAS** on February 4, 2016, Perth County Council directed staff to prepare the necessary by-laws to effect the delegation of powers and duties for matters related to certain routine matters related to Public Works, Planning and Development, the Chief Administrative Officer, Corporate Services, the Warden and Clerk, and Clerk outlined in Report Proposed New Delegated Powers and Duties – (CAO-2016);

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001*, S.O.2001, c. 25 provides that sections 9, 10 and 11 of that Act authorize a to delegate its powers and duties under any Act to a person or body subject to certain restrictions;

**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 Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

**NOW THEREFORE** the Council of the Corporation of the County of Perth **ENACTS AS FOLLOWS:**

#### Interpretation

1. In this By-law:
  - 1.1. “By-law” means this By-law and includes its Schedule “A”;
  - 1.2. “Chief Administrative Officer” means the Chief Administrative Officer of the Corporation of the County of Perth;
  - 1.3. “Clerk” means the Clerk of the County of Perth
  - 1.4. “Council” means the Council of the Corporation of the County of Perth;
  - 1.5. “County” means the Corporation of the County of Perth;
  - 1.6. “Delegate” means the person to whom a power or authority has been delegated;
  - 1.7. “Designate” means the person to whom a delegated power or authority may be designated in writing by the Delegate;
  - 1.8. “Director” means a Director of the Corporation of the County of Perth;
  - 1.9. “Warden” means the Warden of the County of Perth;

#### Delegation

2. Within each table in Schedule “A” to this By-law, the authority described in the column entitled, “Delegated Power or Duty”, is delegated to the person or persons identified in the column entitled, “Delegate”, and the Delegate is responsible for fulfilling the communication requirements, if any, listed in the column entitled “Council Reporting Requirements”.
  - 2.1. Within each row of each table in Schedule “A” to this By-law, where more than one person is listed as a delegate, the delegated power or duty may be exercised by any of such persons provided that if any such persons disagree as to the manner in which to exercise the delegated power or duty or if any such person is unable to exercise the delegated authority by reason of the person’s illness or absence, the determination of the earlier listed person shall prevail.

## General

3. For the purpose of subsection 23.2(4) of the *Municipal Act*, S.O. 2001, c. 25, as amended, it is the opinion of Council that any legislative powers pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.
4. In the event of any inconsistency between this By-law and any other County by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
5. For clarity, subject to the *Municipal Act, 2001*, S.O.2001,c. 25, unless a power or duty of Council has been expressly delegated by this by-law or another County by-law, all of the powers and duties of Council remain with Council.
6. This By-law is effective on the date of its passing.
7. The short title of this By-law is the "Delegation By-law"

**Read a first and second time this 17<sup>th</sup> day of March, 2016.**

**Read a third time and finally passed this 17<sup>th</sup> day of March, 2016.**

\_\_\_\_Original Signed by\_\_\_\_\_

Meredith Schneider, Warden

\_\_\_\_Original Signed by\_\_\_\_

Bill Arthur, CAO/Deputy Clerk

Schedule "A"

**Public Works Department**

<b>Delegated Power or Duty</b>	<b>Authority</b>	<b>Council Reporting Requirements</b>
Director of Public Works or his/her designate be delegated authority to designate construction zones and setting of speed limits within certain construction zones	Highway Traffic Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated authority to negotiate and draft agreements permitting encroachment on easements and other lands vested with the County of Perth including lands which are a public highway, and including encroachment agreements	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate together with the Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council's actions have been met the Chief Administrative Officer or his/her designate together with the Director of Public Works are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council (See Chief Administrative Officer)	Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation

**Planning and Development Department**

<b>Delegated Power or Duty</b>	<b>Authority</b>	<b>Council Reporting Requirements</b>
Director of Planning or his/her designate be delegated the authority to execute agreements imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act in connection with the development of land such as subdivisions, plans of condominium, land divisions, part lot control removal, site plans, and environmental warning clause registered on title	Planning Act Condominium Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to approve applications to remove part lot control	Planning Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to approve Plans of Subdivision under the Planning Act and approval of descriptions under the Condominium Act to endorse the Notice of Decision of Council with respect to draft approved Plans of Subdivision and Plans of Condominium	Planning Act Condominium Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to provide notice that a complete or incomplete application has been received and to give notice of complete applications under the Planning Act	Planning Act	The Director or his/her designate may identify controversial or significant issues to Council for information

## Chief Administrative Officer

Delegated Power or Duty	Authority	Council Reporting Requirements
Chief Administrative Officer or his/her designate be delegated the authority to execute any document required for the completion of any transaction involving the purchase, sale, exchange or lease of land, as authorized by the Council of the County of Perth by by-law, including approval authority to execute agreements to extend the closing date of purchase, sale, exchange or lease agreement	Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
Chief Administrative Officer or his/her designate be delegated the authority to approve, amend, or terminate the execution of facilities rental agreements for the purposes of County events, such as staff meetings, public meetings, special events and open houses	Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
Chief Administrative Officer or his/her designate be delegated the authority to approve, amend, or terminate the execution of mutual disclosure (confidentiality) agreements	Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council authority have been met, then the Chief Administrative Officer or his/her designate is authorized to hire or dismiss any employee in accordance with the County's practice, the authority is extended only and until the inaugural meeting of Council	Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council's actions have been met the Chief Administrative Officer or his/her designate together with the Director of Public Works are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council	Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation
For the purposes of section 275 of the <i>Municipal Act, 2001</i> the Chief Administrative Officer and/or his designate together with the Director of Corporate Services are delegated the authority to authorize expenditures or liability in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council	Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation

## Warden and Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
The Warden and Clerk be delegated the authority to execute applications to and agreements with a Federal or Provincial department, ministry, agency or fund for compensation, funding or other forms of subsidy related to any County programs, operations or approved capital project and subsequent submissions, declarations or representations required for processing the application or the receipt of funds	Municipal Act, 2001	Clerk and/or Warden may identify controversial or significant issues to Council for information

## Corporate Services Department

Delegated Power or Duty	Authority	Council Reporting Requirements
Director of Corporate Services or his/her designate be delegated the authority to approve, amend and/or terminate the execution of software licensing agreements	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate be delegated the authority to approve the execution of agreements to facilitate the exchange or release of electronic data	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate is delegated the authority to execute, on behalf of the County, any and all forms by which the Corporation's claims for damages against other parties and their insurers are released, up to \$25,000	Municipal Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate is delegated the authority to settle claims within the existing insurance deductible limits		An annual report to Council on insurance claims
Director of Corporate Services or his/her designate be delegated the authority to approve, amend or terminate the execution of agreements with telephone service providers for 9-1-1 service	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the Municipal Act, 2001 the Chief Administrative Officer and/or his designate together with the Director of Corporate Services are delegated the authority to authorize expenditures or liability in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council	Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation

## Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
The Clerk is designated as the head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i>	Municipal Freedom of Information and Protection of Privacy Act	Clerk may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate with the Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project (See Public Works Delegated Power or Duty)	Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information