

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number 2322/21

### **Being a by-law to delegate certain powers and duties as authorized under the Municipal Act**

**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 under the Act or any other Act to a person or body subject to certain restrictions;

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

**WHEREAS** Section 227 of the Act states that 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;

**WHEREAS** Section 284.1 of the Act provides for a review or appeal of a decision made by a person or body in the exercise of a power delegated by the municipality under the Act;

**WHEREAS** Haldimand County Policy 2007-06 requires that all delegation of Council powers, duties or functions shall be effected by by-law;

**AND WHEREAS** the Council of the Corporation of Haldimand County deems it expedient to delegate certain routine administrative functions to staff to improve business efficiencies while adhering to the principles of accountability and transparency,

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

#### **Part 1 – General Provisions**

- 1.1 Council delegates the powers, duties and restrictions as set out in the schedules attached to, and forming part of this by-law, to those officers, employees or committees listed.
- 1.2 All authorities set out in legislation or approved Haldimand County policies or programs remain in place and do not fall within the scope of this by-law.
- 1.3 Should any position identified in this by-law with delegated powers or duty be vacant, including approved leaves, or no longer exist, the powers and duties of that position may be exercised by a person deemed to have authority of the position until such time as the position is no longer vacant, or a new delegation for the corresponding power or duty is approved.

- 1.4 The Chief Administrative Officer may delegate authority in writing when positions identified in this by-law are vacant or duties are reassigned to other positions.
- 1.5 All relevant by-laws and resolutions of the Corporation of Haldimand County shall apply to the exercise of delegated authority, as authorized by this by-law, or any associated standalone delegation of authority by-law.

## **Part 2 – Nature and Scope of Delegation of Powers and Duties**

- 2.1 The authority to approve a matter as noted in any schedule attached to, and forming part of this by-law, is delegated to the person or persons set out in Column 3 of the schedule and shall be subject to any conditions or restrictions as noted in Column 5.
- 2.2 Where authority is delegated to any person under this by-law, the Chief Administrative Officer or, the applicable General Manager or designate, in consultation with the Chief Administrative Officer, may also exercise that authority.
- 2.3 Despite any provision of this by-law, a delegate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates:
  - a. Is included in the annual budget as adopted by Council; or
  - b. Is included in a program, project or activity which has been approved by Council; or
  - c. Is of an administrative or operational nature and relates to the management of the municipal corporation.
- 2.4 No provision of this by-law shall be construed as waiving any provision of the Procurement Policy 2013-02, as may be amended from time to time, and the Procurement Policy shall continue to apply to the procurement of goods and services.
- 2.5 Notwithstanding the foregoing, Council retains the authority, at any time and without notice, to revoke any delegated power that has been delegated pursuant to this by-law.
- 2.6 Council will act as the appeal body to hear appeals or review decisions made under a delegated power. This includes the power to determine procedures, powers and rules of those conducting the appeal.

## **Part 3 – Signing Authority**

- 3.1 The Mayor and Clerk or their designates are hereby appointed signing officers of Haldimand County and may jointly execute any document on behalf of Haldimand County, unless specifically provided for in this by-law, in Schedule A of the Procurement Policy 2013-02, or through Council resolution.
- 3.2 The Chief Administrative Officer and General Managers, or their designates, are authorized to execute any document where the following criteria is met:
  - a. the subject matter is non-financial or procured in accordance with the Purchasing Policy 2013-02; and

- b. the subject matter is of an administrative or operational nature and relates to the management of the municipal organization.

**Part 4 – General**

- 4.1 Any reference to legislation, regulations or by-laws in this by-law shall be interpreted to include all amendments and any successor legislation thereof.
- 4.2 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.
- 4.3 In the event of any inconsistency between this by-law and any other by-law, the more restrictive provision shall prevail to the extent of the inconsistency.
- 4.4 This by-law shall be known as the Delegated Authority By-law.
- 4.5 This by-law shall come into force and effect on the date of passing.

READ a first and second time this 13<sup>th</sup> day of December, 2021.

READ a third time and finally passed this 13<sup>th</sup> day of December, 2021.

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MAYOR

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DEPUTY CLERK

**Schedule “A”**

Schedule A – Delegation of Powers and Duties

Chief Administrative Officer

Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1. Execute contracts, agreements and award tenders or proposals on behalf of Council during the summer recess period	Chief Administrative Officer	By-law 1367/13	The terms of Sections 3.02, 3.03 and 9.00 of Procurement Policy 2013-02 be waived as may be required.
2. Pay termination pay and/or severance pay, as necessary, in accordance with parameters outlined in Report HRD-09-2019, up to \$50,000	Chief Administrative Officer or designate as per Report HRD-09-2019		
3. During a declared emergency, award any bids for goods, services and construction to an unlimited dollar value, and to reallocate approved budget funds as necessary to effect such purchases	Chief Administrative Officer	By-law 2156/20	
4. Authority to approve or extend temporary staff positions (duration of 2 years or less) or to adapt existing part-time positions provided that funds are available within current budgetary allocation	Chief Administrative Officer		
5. Approve budget transfer outside Procurement Policy 2013-02 to an upset limit of \$250,000 to allow a tender to be awarded so a project can proceed provided the overall budget within the service area is not increased	Chief Administrative Officer		
6. Approve property transactions that will allow federal, provincial or municipal capital	Chief Administrative Officer		Where the contribution of other levels of government

	projects to proceed authority to bind the Corporation for projects/new funding opportunities with the Provincial and/or Federal governments in instances			totals 66% or greater and where in consultation with the Treasurer the overall budget allocation will not be exceeded.
7.	Commence any action or other legal proceeding on behalf of the County where time does not allow for obtaining Council authority	Chief Administrative Officer		After consultation with County Solicitor and where monetary value of claim does not exceed \$100,000

**Schedule “B”**

Schedule B – Delegation of Powers and Duties

Chief Administrative Officer and General Managers

	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Enter into agreements where the subject matter is of an administrative or operational nature and relates to the management of the municipal corporation, including third parties, government agencies, other municipalities, railway authorities and first nations	Chief Administrative officer; General Manager		
2.	Enter into agreements for transfer payments or grants from federal and provincial government and other granting organizations	Chief Administrative officer; General Manager, or Treasurer as required		
3.	Authorize the use of municipal property by an organization or agency on a temporary basis as required	Chief Administrative officer; General Manager		
4.	Sign letters of support or comment on third party proposals, programs and initiatives on behalf of the County	Chief Administrative officer; General Manager		
5.	Execute and implement releases, indemnities, minutes of settlement and other documents required for settlement of any claim, demand or other proceeding	Chief Administrative officer; General Manager		Where the settlement does not exceed \$100,000 and subject to the Treasurer’s confirmation of sufficient funds being available. Excludes matters related to WSIB, long-term disability, HR-related claims and insurance-related claims.

**Schedule “C”**

Schedule C – Delegation of Powers and Duties

Municipal Clerk

Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Act as “head” for the purposes of the Municipal Freedom of Information and Protection of Privacy Act	Municipal Clerk and Deputy Clerk	Municipal Freedom of Information and Protection of Privacy Act By-law 2/01
2.	Establish and/or amend the retention schedule for the records of Haldimand County	Municipal Clerk	Municipal Act (s. 254, 255) By-law 297/02
3.	Granting municipally significant designation as per the AGCO for festivals and events approved under Policy 2015-02	Municipal Clerk or General Manager, Community & Development Services	Liquor Licence Act
4.	Provide a letter of non-objection for applications for Temporary Extension of a Liquor Sales Licence through the AGCO related to Seasonal Sidewalk and Street Patio permits.	Municipal Clerk	Liquor Licence Act
5.	Provide permission for any Licensed Convenience Outlets licensed by the LCBO in Haldimand County to sell beverage alcohol on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day, provided that they meet the criteria in the Retail Business Holidays Act to carry on retail business on those days	Municipal Clerk	Liquor Licence Act

**Schedule “D”**

Schedule D – Delegation of Powers and Duties

Treasurer

	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Administer any complaints filed with the Assessment Review Board, sign on behalf of the County and participate in any related legal proceedings	Treasurer	Assessment Act By-law 996/09	
2.	Execute Assessment Review Board Minutes of Settlements	Treasurer	Assessment Act By-law 1015/09	Where the property tax adjustment for the municipality’s share is less than \$100,000



**Schedule “E”**

Schedule E – Delegation of Powers and Duties

General Manager, Community & Development Services

1.	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
	Confirm completion of applications and provide all required notices for complete applications under the Planning Act.	Manager, Planning & Development	Planning Act (s. 5, 22, 34, 51) By-law 861/07	
	Approve proposals pursuant to the Rural Business and Tourism Community Improvement Plan up to a threshold of \$5,000	General Manager, Community & Development Services		
	Approve Minor Festival and Events and returning Major Festivals and Events	General Manager, Community & Development Services		
	3. Authorize a grant level of \$5,000 within the Capital Projects program of the Community Partnership Program.	General Manager, Community & Development Services		
	4. Approve Minor Festivals and Events and returning Major Festivals and Events	General Manager, Community & Development Services		
	5. Approve applications and permits to allow the use of municipal property for seasonal patios and also, the authority to revoke permits	General Manager, Community & Development Services		Revocation based on non-compliance with parameters of the Seasonal Sidewalk and On-Street Patio program or on the basis of emergency construction that requires removal of the patio

6.	Enter into agreements for existing farm crossings over County-owned lands for farming-related activities	Manager, Community Development & Partnerships and Manager, Legal & Support Services, jointly		
7.	Site plan control, plans of subdivision, part lot control, certain land transfers and other matters	General Manager, Community & Development Services	Planning Act (s. 5, 41, 50, 51) By-law 2082/19	
8.	Approve large scale special events at the Hunt Club in accordance with By-law 1162-HC/19	General Manager, Community & Development Services		
9.	Execute agreements related to Planning Act applications, construction, or external works	General Manager, Community & Development Services	By-law 2301/21	
10.	Signing of conditional building permit agreements	Chief Building Official	Building Code Act (s. 8 3.1)	
11.	Execute dispatch agreements	Fire Chief		
12.	Execute Community Partnership Program Licence Agreements	General Manager, Community & Development Services or CAO		
13.	Execute Community Hall Loan Agreements approved through Community Partnership Program – Capital Grants Policy 2003-01	General Manager, Community & Development Services, General Manager, Financial & Data Services, or CAO		any loan requests for capital projects under \$10,000

14.	Renewals or extensions of existing Memoranda of Understanding with Fields & Parks Management groups, originally approved by Council	General Manager, Community & Development Services		Based on staff review/recommendation
15.	Renewals or extensions of existing third-party property agreements	General Manager, Community & Development Services		Based on staff review/recommendation
16.	Approve discretionary fee adjustments in case of service interruptions or staff error related to: planning applications, building permits, facility rentals, ice usage, aquatics and programs	General Manager, Community & Development Services		
17.	Execute minutes of settlement for any planning matter before a land tribunal	General Manager, Community & Development Services		To be referred to Council where matters of financial significance are involved

**Schedule “F”**

Schedule F – Delegation of Powers and Duties

General Manager, Public Works

	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Temporarily close highways during construction, repair or improvement, for social recreational, community, athletic or cinematographic purposes	General Manager, Public Works	Municipal Act By-law 211/02	
2.	Provide for temporary rates of speed and temporary stopping conditions on highways	General Manager, Public Works	Highway Traffic Act By-law 2135/20	

**Schedule “G”**

Schedule G – Delegation of Powers and Duties

General Manager, Engineering & Capital Works

	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Acquiring road widenings under certain circumstances	Manager, Engineering Services and Manager, Legal & Support Services, jointly	By-law 1515/15	
2.	Acquiring portions of travelled roads under certain circumstances	Manager, Engineering Services and Manager, Legal & Support Services, jointly	By-law 1726/16	
3.	Approve final assumption of a plan of subdivision subject to a by-law being passed	Manager, Engineering Services and Manager, Planning & Development, jointly		
4.	Execute mutual drain agreements	Manager, Engineering Services	Drainage Act (sect. 2)	
5.	Approve execution of agreements for acquisition or temporary and permanent easements required for approved capital projects.	General Manager, Engineering & Capital Works		

6.	Establish traffic control and parking conditions for new subdivisions, subject to presentation of a by-law for Council enactment	Manager, Engineering Services		
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**Schedule “H”**

Schedule H – Delegation of Powers and Duties

General Manager, Corporate & Social Services

	Delegation	Delegate	Legislative/Governing Authority	Conditions/Restrictions
1.	Insurance Claims Handling and Reporting Protocol – settle or deny claims – over \$100,000 and up to \$250,000	Chief Administrative Officer & General Manger, Corporate & Social Services, jointly		Additionally: GM, C&SS – up to \$100,000; Manager, Legal & Support Services – up to \$25,000; Supervisor, Risk Management & Legal Services – up to \$5,000
2.	Consent to the registration of the necessary documentation on the title of any properties affected by the Corporations of the Town of Haldimand By-law 323/81 in order to address future requests similar in factual nature as outlined in Report CS-SS-34-2015 re: County Transfer of a Portion of Old Lakeshore Road	Manager, Legal & Support Services		
3.	1.Convey portions of Old Lakeshore Road for \$1.00, with final approval being given via the passing of a bylaw in accordance with the criteria outlined in Report CS-SS-08-2016. 2.Consent to the deletion of any “subject to interest” notation on affected properties that do not require a conveyance in accordance with the criteria outlined in Report CS-SS-08-2016.	Manager, Legal & Support Services		
4.	Receive quarterly quality reports for GVL provided that an annual report is presented to Council for accreditation purposes	General Manager,	Accreditation Canada Required	

		Corporate & Social Services	Organizational Practices	
5.	Execute agreements between the Ministry of Health and Haldimand County as they relate to the Long-Term Care Service Accountability Agreement	General Manager, Corporate & Social Services	Local Health Integration Network and/or Ministry of Health and Long Term Care	
6.	Authorize student placement agreements with instructional institutions to provide placement programs at Grandview Lodge, subject to the terms as set out in Report GVL-03-2021	General Manager, Corporate & Social Services		
7.	Execute agreements to lease space to other groups i.e. Alzheimer Society	Administrator, Grandview Lodge		
8.	Execute insurance policy renewal	General Manager, Corporate & Social Services		
9.	Enter into encroachment agreements on road allowances and over other County property subject to the submission of a by-law for Council approval	General Manager, Corporate & Social Services		



**Schedule “I”**

Schedule I – Delegation of Powers and Duties

Committees of Council

	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
1.	Act as Appeal Committee as defined through the Animal Control By-law	Appeal Committee consisting of the members appointed to Haldimand County’s Committee of Adjustment with a term to coincide with that of Council	By-law 1396/13 as amended	
2.	Consider appeals of sign variances as regulated through the Sign By-law	Sign Variance Committee consisting of the members appointed to Haldimand County’s Committee of Adjustment with a term to coincide with Council	By-law 1064/10 as amended	