

The Corporation of the Township of South Algonquin
By-Law #21-661

Administrative Authority By-law: Being a by-law to delegate certain powers and duties under the *Municipal Act*, 2001, S.O. 2001, c. 25, and other Acts as contained in the Schedules hereto.

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

(b) 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 Township of South Algonquin 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 for the Township of South Algonquin hereby enacts as follows:

Part I – Short Title

1. THAT this By-law may be referred to as the "Administration of Authority By-law".

Part II – Delegation Provisions

2.1 Council delegates the powers, duties, and restrictions thereto as set out in the Schedules appended hereto, to those officers, employees or committees therein listed;

2.2 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law;

2.3 Except as otherwise required by law, should any position identified in this By-law with delegated powers or duty be vacant, or no longer exist within the Corporation, 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 either no longer vacant, or a new delegation for the corresponding delegated power or duty is approved;

2.4 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 Township of South Algonquin purchasing and procurement by-law in effect at the time of the expenditure shall be followed;

2.5 Where delegated authority includes execution of an agreement, the agreement shall be approved by the CAO/Clerk-Treasurer, the Department Head, and/or legal counsel prior to its execution;

2.6 All relevant By-laws and Resolutions of The Corporation of the Township of South Algonquin shall apply to the exercise of delegated authority, as authorized by this By-law, or any associated standalone delegation of authority By-law;

2.7 Council hereby confirms that it is of the opinion that all legislative powers under any Act delegated to an officer or an employee of the Corporation are minor in nature, within the meaning of Subsection 23.2(4) of the *Municipal Act*, S.O. 2001, c.25.

Part III – Definitions

3. For the purposes of this By-law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Approval” includes authority to sign for approval and execute an agreement, contract, release, waiver, application or document intended to bind the Corporation and includes any renewal, amendment or termination thereof, and

“Approve” has a corresponding meaning;

“By-law” means this by-law and includes its Schedules;

“CAO/CLERK-TREASURER” means the CAO/Clerk-Treasurer CAO/Clerk-Treasurer for the Township of South Algonquin;

“Chief Building Official” or **“CBO”** means the Chief Building Official, as duly appointed by by-law;

“Chief Fire Official” means the Fire Chief for the Township of South Algonquin, as duly appointed by by-law;

“Corporation” means The Corporation of the Township of South Algonquin;

“Council” means the elected Council of The Corporation of the Township of South Algonquin;

“Department” means a Department with a Department Head;

“Delegation of Powers Policy” means a policy that has been approved by Council in accordance with section 270(1)6 of The Act;

“Legal Proceeding” means any court or administrative tribunal proceeding commenced by, or against, the Township;

Part IV – Nature and Scope of Delegation of Powers and Duties

4.1 The authority to approve a matter as contained in any Schedule hereto appended is hereby delegated to the person or persons set out in Column 2 therein and shall be subject to any conditions or restrictions as contained in Column 5;

4.2 Where authority to approve, a matter is delegated to any person under this by-law, the CAO/Clerk-Treasurer may also exercise that authority;

4.3 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 has been approved by Council, and shall be deemed to be approved where such transaction or activity:

- 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 reasonably incidental to the authority given to the CAO/Clerk-Treasurer or Department Head, as the case may be, to carry out their duties and responsibilities on behalf of the Township;

4.4 No provision of this By-law shall be construed as waiving any provision of the Purchasing By-law, as may be amended from time to time, and the Purchasing By-law shall continue to apply to the procurement of goods and services on behalf of the Township;

4.5 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law.

Part V – Appointment of Signing Officers

5.1 The Mayor and the CAO/Clerk-Treasurer or their designates are hereby appointed signing officers of the Township and may jointly execute any document on behalf of the Township, specifically provided for in the Schedules appended.

Part VI – General

6.1 Any reference to legislation, regulations or By-laws in this By-law shall be interpreted to include all amendments and any successor legislation thereof;

6.2 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;

6.3 In the event of any inconsistency between this By-law and any other Township by-law the more restrictive provision shall prevail to the extent of the inconsistency;

6.4 Throughout this By-law (i) the term “including” or the phrases “e.g.,” or “for example” shall be interpreted to mean “including, without limitation”; (ii) the singular includes the plural and vice-versa; and (iii) any gender includes any other gender, unless the context requires otherwise;

6.5 This By-law shall come into force and take effect on the date of passing.

READ A FIRST & SECOND TIME this 1st day of September, 2021

Jane A.E Dumas, Mayor

Bryan Martin, CAO Clerk / Treasurer

READ A THIRD TIME AND PASSED 1st day of September, 2021

Jane A.E Dumas, Mayor

Bryan Martin, CAO Clerk / Treasurer

Schedule A – Delegation of Powers and Duties

CAO/Clerk-CAO/Clerk-Treasurer

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
1.	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act.	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation and/or Delegation to Appropriate Department Director
2.	Pay Equity Adjustments, Grid Movement Approvals	CAO/Clerk-Treasurer; Department Head	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Budget approvals and consultation with CAO/Clerk-Treasurer
3.	Negotiate and settle claims against the municipality within insurance deductible limit	CAO/Clerk-Treasurer; Township Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation with Appropriate Department Director
4.	Responsible for legislative requirements under the Ontario Health and Safety Act legislation.	CAO/Clerk-Treasurer Department Head responsible for Health and Safety Committee;	<i>Occupational Health and Safety Act, R.S.O. 1990, c. O.1</i>	
5.	Carry out annual performance evaluation of each Department Head and advise Council on performance and recommend to Council any appointment, promotion, demotion, suspension or dismissal of Department Head reporting to him/her.	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
6.	Appoint, employ, promote, demote, suspend, discipline and dismiss all employees below the rank of Department Head of the Corporation.	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
7.	Authority to approve temporary staff positions (2-year duration or less) or to adapt existing part- time positions to full-time positions, or the reverse, provided that: a) Funds are available within current budgetary allocations; b) All expenditures deemed essential for purpose of achieving objectives of the Township; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position;	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Budget Approvals

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
8.	Authority to delegate authority when positions identified in the By-law are changed and/or no longer exist.	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
9.	Declaration of Internal Conflicts relating to Human Resources, Staff Code of Conduct, and Legal Issues	CAO/Clerk-Treasurer		
10.	Approval of all emergency expenditures deemed essential to mitigate the emergency incident.	CAO/Clerk-Treasurer Consultation with Community Emergency Management Co-Ordinator		
13.	Signing Authority for Agreements Under By-law and/or Pursuant to Tender Awards	Mayor CAO/Clerk-Treasurer		All Agreements Authorized by Municipal By-law; Affix Corporate Seal; Two Signatures Required Note: Councillor appointed to act in Absence of Mayor; Deputy Clerk in Absence of CAO/Clerk-Treasurer.
14.	Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Township of South Algonquin	CAO/Clerk-Treasurer	<i>Municipal Elections Act, 1996, S.O. 1996, c. 32</i>	Prepare and update forms and written procedures for all components of conducting an election.
15.	Issuance of Lottery Licenses	CAO/Clerk-Treasurer	<i>Criminal Code (Canada)</i> Order-in-Council 1413/08 <i>Gaming Control Act, 1992</i>	Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05.
16.	Records Management Oversight	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s. 254</i>	
17.	Freedom of Information and MFIPPA Co-Ordinator; All powers and duties under said Act	CAO/Clerk-Treasurer	<i>Municipal Freedom of Information and Protection of Privacy Act,</i>	Associated Policy.

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
18.	By Virtue of Office: Division Registrar Commissioner of Oaths Marriage Officiant* Licensing of Marriage**	CAO/Clerk-Treasurer ,Deputy Clerk and others as delegated by the CAO/Clerk-Treasurer	<i>Commissioner for Taking Affidavits Act,</i> R.S.O. 1990, c. C. 17 <i>Marriage Act,</i> R.S.O. 1990, c. M. 3 <i>Vital Statistics Act,</i> R.S.O. 1990, c. V.4 R.S.O. 1990 as amended.	Marriage Officiant as Authorized by By-law #21-646 Licensing of Marriage Authorized by By- law#21-644 and By-law #21-645
19.	Municipal Licensing	CAO/Clerk-Treasurer	Municipal By-laws Authorizing Licensing	Subject to all applicable By-laws and policies; consultation with applicable departmental authorities.
20.	Maintenance of Policy Manual	CAO/Clerk-Treasurer	<i>Municipal Act, 2001, S.O.</i> 2001, C. 25, as amended, s. 270	Update and maintain Policy Manual upon Council adoption; maintain supporting Procedural Manual
General Finance				
1.	Disposition of Land Proceeds Where Not Council Specified for Use of Funds	CAO/Clerk-Treasurer		
2.	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	CAO/Clerk-Treasurer; Consultation with Deputy Treasurer		MoS must be in best interest of the Township, in opinion of signing officer
3.	Approval of Tax and Increases relating to gross manifest errors	CAO/Clerk-Treasurer		

#	#	Delegation	#	Delegation	#	Delegation	#	Delegation
4.		Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.		CAO/Clerk-Treasurer Consultation with Township Solicitor for Agreement				
5		Approval to authorize alternative property tax instalment plans with interest relief.		Deputy Treasurer in consultation with the CAO/Clerk-Treasurer				
6		Approval to write off accounts receivable amounts deemed uncollectable by the Treasurer		Deputy Treasurer in consultation with the CAO/Clerk-Treasurer				
Purchasing/Procurement								
1.		Oversight of Procurement of Goods and Services		CAO/Clerk-Treasurer;		By-law		
Information Technology								
1.		Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data license agreements, subject to annual review and budget approval.		CAO/Clerk-Treasurer				Budget Approvals
2.		Authority to enter into Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review		CAO/Clerk-Treasurer				Budget Approvals

Schedule B – Delegation of Powers and Duties

Planner

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
Planning Division				
1.	Approve Site Plan Control Agreements*	Planner in consultation with CAO/Clerk-Treasurer	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	*Approval pertains only to Agreements where application is in full compliance with Zoning By-law. Council still has authority over site plan where zoning amendment is required.
2.	Amendments to Site Plan Agreements*	Planner in consultation with CAO/Clerk-Treasurer	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	*Amendment must be in compliance with Zoning By-law.
3.	Approve minor amendments to Subdivision Agreements (non-financial; conditions)	Planner in consultation with CAO/Clerk-Treasurer	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	
4.	Removal or lifting of Holding Zone when conditions have been fulfilled	Planner in consultation with CAO/Clerk-Treasurer	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	Subsequent By-law to Council for Adoption to Repeal Holding Provision
Building Division				
1.	Authority to enter into Limiting Distance Agreements	Chief Building Official	<i>Building Code Act, 1992, S.O 1992, c. 23</i>	Agreements acceptable to Township Solicitor
2.	Authority to enter into Conditional Building Permit Agreements	Chief Building Official	<i>Building Code Act, 1992, S.O 1992, c. 23</i>	Agreements acceptable to Township Solicitor

Schedule C – Delegation of Powers and Duties
Fire Chief Community Emergency Management
Co-Ordinator

#	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
Fire and Emergency Services Division				
1.	Enter into Fire Service Agreements for provision of fire protection services to lands located outside South Algonquin Township or receive services from a fire department located outside of South Algonquin Township	Fire Chief		Agreement acceptable to Township Solicitor. Report to Council.
2.	Activate an emergency plan and implement municipal emergency control group notification	CEMC	Emergency Management Plan By-law#20-625 or Successor Thereto	Decision to be made in accordance with Township Emergency Plan. Mayor and CAO advised as soon as possible.
3.	Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to CBRNE, Hazmat, confined space, high angle rescue.	Fire Chief	Emergency Management Plan By-law#20-625 or Successor Thereto	Agreement acceptable to Township Solicitor. Report to Council.
4.	Execute agreements for emergency management and emergency response for services such as Red Cross	Fire Chief	Emergency Management Plan By-law#20-625 or Successor Thereto	Agreement acceptable to Township Solicitor. Report to Council.
7.	Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation.	Fire Chief	<i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i>	
8.	Approval and signing authority to execute agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	Fire Chief		
9.	Authorization to temporarily close Municipal Roads due to fire or emergency requirements	Fire Chief	By-law or Successor Thereto	

Schedule D – Delegation of Powers and Duties

Department Public Works

#	Delegation	Delegate	Legislative Authority	Conditions/Restrictions
Beautification				
1.	Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community	Public Works Superintendent		
2.	Authorization to manage and perform maintenance, removals, and planting of trees within the Township’s right-of-way and property	Public Works Superintendent		
3.	Authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required	Public Works Superintendent	Municipal Act, By-law and Fee Schedule	
4.	Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and works within road right-of-way, and/or for Special Event Road Closures	Public Works Superintendent	Utility Franchise Agreements	
5	<p>May temporarily close any highway or portion of a highway:</p> <ul style="list-style-type: none"> 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; <p>For construction purposes when public safety may be impacted</p>	Public Works Superintendent	By-law or Successor Thereto	

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
6.	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.	Public Works Superintendent	<i>Highway Traffic Act, R.S.O 1990, c. H.8</i>	
7.	Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable.	Public Works Superintendent	By-law	
8.	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Public Works Superintendent	Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways	
9.	Enter into Encroachment Agreements on road allowances and over easements	Public Works Superintendent		Agreements acceptable to Township Solicitor; Conditional on conditions such as survey, covenants to protect the Township; once satisfied submit By-law for Council approval.
10.	Authority to approve encroachment over easements with private property owners.	Public Works Superintendent		In consultation with Township Solicitor

Schedule E – Delegation of Powers and Duties

Department Recreation

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
1.	Authority to approve the holding of special events in Township-owned parks	CAO/Clerk-Treasurer		Applicant responsible for damage to municipal property; maintain public liability/property damage insurance; costs associated with set-up and removal of equipment; conditions as required by CAO/Clerk-Treasurer.

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