

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2023-02

Being a by-law respecting the delegation of authority to various officers for The Corporation of the Township of Nipissing.

WHEREAS the *Municipal Act*, 2001, c. 25 S270(1)6. provides that a municipality shall adopt and maintain policies with respect to the delegation of its powers and duties;

AND WHEREAS Section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25 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 *Municipal Act*, 2001, S.O. 2001, c. 25 provides that a role of Council is to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the *Municipal Act*, 2001, S.O. 2001, c. 25 states that it is the role of the officers and employees of the municipality (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; (b) to undertake research and provide advice to Council on the policies and programs of the municipality; and (c) to carry out other duties required under this or any Act and other duties assigned by the municipality;

AND WHEREAS the Council of The Corporation of the Township of Nipissing 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 THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NIPISSING ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This by-law may be referred to as the "Administration of Authority By-Law".

2. 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 a an approved budget and all relevant requirements of the Township of Nipissing 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 Municipal Administrator and/or legal counsel prior to its execution;
- 2.6. All relevant By-Laws and Resolutions of The Corporation of the Township of Nipissing shall apply to the exercise of delegated authority, as authorized by this By-Law, or any associated stand-alone 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 Township are minor in nature, within the meaning of Subsection 23.2(4) of the *Municipal Act*, S.O. 2001, c.25.

3. DEFINITIONS

- 3.1. "Act" means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;
- 3.2. "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;
- 3.3. "By-Law" means this by-law and includes its Schedules;
- 3.4. "Chief Building Official" or "CBO" means the Chief Building Official, as duly appointed by By-Law;
- 3.5. "Clerk" means the Clerk for the Township of Nipissing, as duly appointed by By-Law;
- 3.6. "Corporation" means The Corporation of the Township of Nipissing;
- 3.7. "Council" means the elected Council of The Corporation of the Township of Nipissing;
- 3.8. "Delegation of Powers Policy" means a policy that has been approved by Council in accordance with section 270(1)6 of The Act;
- 3.9. "Fire Chief" means the Fire Chief for the Township of Nipissing, as duly appointed by By-Law;
- 3.10. "Legal Proceeding" means any court or administrative tribunal proceeding commenced by, or against, the Township;
- 3.11. "Municipal Administrator" means the Municipal Administrator for the Township of Nipissing, as duly appointed by By-Law;

4. 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 3 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 Municipal Administrator 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 Municipal Administrator, 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 Procurement By-Law, as may be amended from time to time, and the Procurement 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.

5. APPOINTMENT OF SIGNING OFFICERS

- 5.1. The Mayor or Deputy Mayor, one required, and the Deputy Treasurer or the Fire Chief, one required, 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.

6. 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.

Reference to Delegation in By-Law 2008-1211, 4.e., is hereby repealed and replaced by this By-Law.

Read a first, second and third time and passed this 3rd day of January, 2023.

THE CORPORATION OF THE
TOWNSHIP OF NIPISSING

Tom Piper,
Mayor

Kris Croskery-Hodgins,
Municipal Administrator

Schedule A
 Delegation of Powers & Duties

#	DELEGATION	DELEGATE(S)	LEGAL AUTHORITY	CONDITIONS/RESTRICTIONS
1.	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act.	Municipal Administrator- Clerk-Treasurer	Municipal Act, 2001, S.O. 2001, c. 25, as amended, s 23.1 and s. 270	Update and maintain Policy Manual upon Council adoption
2.	Pay Equity Adjustments, Grid Movement Approvals, complete Performance Appraisals	Municipal Administrator- Clerk-Treasurer	Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1	Budget approvals, Approved Performance Appraisals in keeping with the Human Resources Administration and Policy Manual.
3.	Responsible for legislative requirements under the Ontario Health and Safety Act legislation.	Municipal Administrator- Clerk-Treasurer Fire Chief- MLEO-CEMC	Occupational Health and Safety Act, R.S.O. 1990, c. 0.1	
4.	Approval of all emergency expenditures deemed essential to mitigate the emergency incident	Municipal Administrator- Clerk-Treasurer Operations Superintendent Fire Chief- MLEO-CEMC		With regard to Procurement Policy when possible.
5.	Signing Authority for Agreements under By-Law and/or Pursuant to Tender Awards	Municipal Administrator- Clerk-Treasurer Mayor (as required)		
6.	Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Township of Nipissing	Municipal Administrator- Clerk-Treasurer	Municipal Elections Act, 1996, S.O. 1996, c. 32	Prepare and update forms and written procedures for all components of conducting an election.
7.	Issuance of Lottery Licences	Municipal Administrator- Clerk-Treasurer	Criminal Code (Canada) Order-in-Council 1413/08 Gaming Control Act, 1992	Compliance with all applicable AGCO Regulations.
8.	Records Management Oversight	Municipal Administrator- Clerk-Treasurer	Municipal Act, 2001, S.O. 2001, C. 25, as amended, S. 254	Per Records Retention Policy in effect by by-law.
9.	Freedom of Information and MFIPPA Co-Ordinator; All powers and duties under said	Municipal Administrator- Clerk-Treasurer	Municipal Freedom of Information and Protection of Privacy Act	Associated policy.

#	Act DELEGATION	DELEGATE(S)	LEGAL AUTHORITY	CONDITIONS/RESTRICTIONS
10.	By Virtue of the Office: Commissioner of Oaths	Municipal Administrator- Clerk-Treasurer Deputy Clerk	Commissioner for Taking Affidavits Act. R.S.O. 1990, c. C. 17	
11.	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	Municipal Administrator- Clerk-Treasurer		MoS must be in the best interest of the Township, in opinion of the signing officer
12.	Approval of Tax approvals and corrections relating to gross manifest errors	Municipal Administrator- Clerk-Treasurer		
13.	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information	Municipal Administrator- Clerk-Treasurer		
14.	Oversight of Procurement of Goods and Services	Municipal Administrator- Clerk-Treasurer	Procurement By-Law	
15.	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements, subject to annual review and budget approval.	Municipal Administrator- Clerk-Treasurer		Budget approvals.
16.	Authority to enter into Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review	Municipal Administrator- Clerk-Treasurer		Budget approvals.
17.	Approve Site Plan Control Agreements and Amendments to Site Plan Control Agreements	Land Planning Administrator	Planning Act, R.S.O. 1990, c.P.13,s.5(1)	Approval pertains only to agreements where the application is in full compliance with the Zoning By-Law. Council still has authority over site plan where zoning amendment is required.

#	DELEGATION	DELEGATE(S)	LEGAL AUTHORITY	CONDITIONS/RESTRICTIONS
18.	Removal or lifting of Holding Zone when conditions have been fulfilled	Land Planning Administrator	Planning Act, R.S.O. 1990, c.P.13,s.5(1)	Subsequent By-law to Council for Adoption to Repeal Holding Provision
19.	Activate and emergency plan and implement t municipal emergency control group notification	CEMC	Emergency Management Plan	
20.	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	Fire Protection and Prevention Act, 1997, S.O. 1997, c.4	
21.	Authorization to temporarily close Municipal Roads due to fire or emergency requirements.	Fire Chief in consultation with the Operations Superintendent		
22.	Authorization to close municipal parks – outdoor rink due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community	Operations Superintendent		
23.	Authorization to manage and perform maintenance, removals, and planting of trees within the Township's right-of-way and property	Operations Superintendent		
24.	Authority to execute applications for new entrance permits and culvert installations, provide written confirmation to applicant of diameter of culvert required	Operations Superintendent	Township By-Law	

#	DELEGATION	DELEGATE(S)	LEGAL AUTHORITY	CONDITIONS/RESTRICTIONS
25.	May temporarily close any highway or portion of a highway: a) for construction, repair or improvement of the highway or portion of the highway, or construction or repair or 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; For construction purposes when public safety may be impacted	Operations Superintendent		
26.	Temporary Reduction or Lifting of Load Limits on highways, including designation of alternate routes where applicable.	Operations Superintendent		
27.	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Operations Superintendent	Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways	
28.	Authority to approve the holding special events in Township-owned facilities/parks.	Municipal Administrator-Clerk-Treasurer		Upon notification of the Recreation Committee; Museum Board or special ad-hoc committee created for a municipal purpose