

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #4307(2021)

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 (c) 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 Town of Pelham 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 Town of Pelham 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 Town of Pelham 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 Chief Administrative Officer, the Department Head, and/or legal counsel prior to its execution;

2.6 All relevant By-laws and Resolutions of The Corporation of the Town of Pelham 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” means the Chief Administrative Officer for the Town of Pelham;

“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 Town of Pelham, as duly appointed by by-law;

“Clerk” means the Town Clerk as duly appointed by by-law;

“Corporation” means The Corporation of the Town of Pelham;

“Council” means the elected Council of The Corporation of the Town of Pelham;

“Department” means a Department with a Director/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 Town;

“Treasurer” means the Treasurer of the Town of Pelham, as duly appointed by by-law.

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 Chief Administrative Officer 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 Chief Administrative Officer or Directors, as the case may be, to carry out their duties and responsibilities on behalf of the Town;

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 Town;

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 Town Clerk or their designates are hereby appointed signing officers of the Town and may jointly execute any document on behalf of the Town, unless 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 Town 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.

ENACTED, SIGNED & SEALED THIS

11th DAY OF JANUARY, 2021

M. JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

Schedule A – Delegation of Powers and Duties

Chief Administrative Officer

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
1.	Approve execution of agreements for acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
2.	Approve execution of agreements for disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
3.	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation and/or Delegation to Appropriate Department Director
4.	Pay Equity Adjustments, Grid Movement Approvals	Chief Administrative Officer; HR Specialist; Director	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation with Human Resources Specialist and Appropriate Department Director
5.	Negotiate and settle claims against the municipality within insurance deductible limit	Chief Administrative Officer; Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation with Appropriate Department Director
6.	Responsible for legislative requirements under the Ontario Health and Safety Act legislation.	Chief Administrative Officer; Director responsible for Health and Safety Committee; Human Resources; CEMC and/or Emergency Operations Committee	<i>Occupational Health and Safety Act, R.S.O. 1990, c. O.1</i>	

7.	Carry out annual performance evaluation of each Director and advise Council on performance and recommend to Council any appointment, promotion, demotion, suspension or dismissal of Directors reporting to him/her.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
8.	Appoint, employ, promote, demote, suspend, discipline and dismiss all employees below the rank of Director of the Corporation.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
9.	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 Town; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position;	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
10.	Authority to delegate authority when positions identified in the By-law are changed no longer exist.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
11.	Declaration of Internal Conflicts relating to Human Resources, Staff Code of Conduct, and Legal Issues	Chief Administrative Officer		
12.	Approval of all emergency expenditures deemed essential to mitigate the emergency incident.	Chief Administrative Officer; Consultation with Community Emergency Management Co-Ordinator and Treasurer.		

Schedule B – Delegation of Powers and Duties

Town Clerk

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
1.	Signing Authority for Agreements Under By-law and/or Pursuant to Tender Awards	Mayor Town Clerk		All Agreements Authorized by Municipal By-law; Affix Corporate Seal; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk.
2.	Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Town of Pelham	Town Clerk	<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.
3.	Designate an event as event of municipal significance for purpose of prescribing it as a special event occasion where an application has been made.	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Compliance with all applicable AGCO Regulations; Consultation with applicable Town and/or Regional approvals for licensing.
4.	Issuance of "Letters of No Objection" for temporary liquor licence extensions.	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Consultation with applicable Town Departments.
5.	Liquor Licence Municipal Clearance (Wet/Dry Status)	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Issue subject to municipal clearance by all Agencies/ Departments as per AGCO Regulations
6.	Issuance of "Tag Day" approvals for non-profit organizations.	Town Clerk		Repeals Policy S203-17
7.	Issuance of Lottery Licenses	Town Clerk	<i>Criminal Code (Canada) Order-in-Council 1413/08 Gaming Control Act, 1992</i>	Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05.
8.	Records Management Oversight	Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s. 254</i>	By-law #3900(2017) or successor and associated Retention Schedule
9.	Freedom of Information and MFIPPA Co-ordinator; All powers and duties under said Act	Town Clerk	<i>Municipal Freedom of Information and Protection of Privacy Act,</i>	Associated Policy.

			R.S.O. 1990 as amended.	
10.	By Virtue of Office: Division Registrar Commissioner of Oaths Marriage Officiant* Licensing of Marriage**	Town Clerk	<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	*Marriage Officiant as Authorized by By-law 3712(2016) **Licensing of Marriage Authorized by By-law 3577(2015)
11.	Municipal Licensing	Town Clerk	Municipal By-laws Authorizing Licensing	Subject to all applicable By-laws and policies; consultation with applicable departmental authorities.
12.	Approval of Proclamations	Town Clerk*	Policy S201-17	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S201-17 Proclamations S203-14 – Flag Raising
13.	Approval of Flag Raisings	Town Clerk*	Policy S203-14	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S203-14 – Flag Raising
14.	Maintenance of Policy Manual	Town Clerk	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s. 270	Update and maintain Policy Manual upon Council adoption; maintain supporting Procedural Manual

Schedule C – Delegation of Powers and Duties

Director, Corporate Services (Treasurer)

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
General Finance				
1.	Disposition of Land Proceeds Where Not Council Specified for Use of Funds	Treasurer		
2.	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	Treasurer; Consultation with Tax Clerk		MoS must be in best interest of the Town, in opinion of signing officer
3.	Approval of Tax and/or Water Write-Offs and Increases relating to gross manifest errors	Treasurer		
4.	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.	Treasurer Consultation with Town Solicitor for Agreement		
5.	Authority to approve agreements entered into pursuant to the Town of Pelham Development Charge By-law	Treasurer; Consultation with Director of Planning and/or Public Works		
Purchasing/Procurement				
1.	Oversight of Procurement of Goods and Services	Treasurer; Purchasing Co-Ordinator	By-law #3250(2012)	
Information Technology				
1.	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.	Information Technology Manager		Review with Treasurer for budget compliance
2.	Authority to enter into OEMC Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review by and in a form satisfactory to Town Solicitor; and authority to review, approve and release future	Information Technology Manager		Review with Treasurer for budget compliance

	software source code developed and owned by the Town to the Open Source community under appropriate licensing terms, where there is likely to be benefit to the corporation, partners and/or the community.			
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Schedule D – Delegation of Powers and Duties
Director, Community Planning and Development

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
Planning Division				
1.	Condominium Approval and Part Lot Control –	Director of Community Planning & Development	By-law 4274(2020) Or successor thereto	By-law enacted August 24, 2020
2.	Approve Site Plan Control Agreements*	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	*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.
3.	Amendments to Site Plan Agreements*	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	*Amendment must be in compliance with Zoning By-law.
4.	Approve minor amendments to Subdivision Agreements (non-financial; conditions)	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	
5.	Authority for Development Agreements for Temporary Second Dwelling Units	Director of Community Planning & Development	By-law 3614(2015)	Agreements acceptable to Town Solicitor
6.	Removal or Lifting of Holding Zone when conditions have been fulfilled	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	Subsequent By-law to Council for Adoption to Repeal Holding Provision
7.	Authority to approve Heritage Permits for alternations, additions or changes to Designated heritage structure	Director of community Planning & Development	<i>Ontario Heritage Act,</i> R.S.O. 1990, c. O.18	
8.	Approve minor alternations to Designated properties without a Heritage Permit	Director of Community Planning & Development	<i>Ontario Heritage Act,</i> R.S.O. 1990, c. O.18	
Building Division				
1.	Authority to enter into Limiting Distance Agreements	Chief Building Official	<i>Building Code Act, 1992,</i> S.O 1992, c. 23	Agreements acceptable to Town Solicitor
2.	Authority to enter into Conditional Building Permit Agreements	Chief Building Official	<i>Building Code Act, 1992,</i> S.O 1992, c. 23	Agreements acceptable to Town Solicitor

**Schedule E – Delegation of Powers and Duties
Fire Chief/Director of Fire and By-law Services/
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 Pelham or receive services from a fire department located outside of Pelham	Fire Chief/Director of Fire and By-law Services		Agreement acceptable to Town Solicitor. Report to Council.
2.	Activate an emergency plan and implement municipal emergency control group notification	CEMC	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Decision to be made in accordance with Town 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/Director of Fire and By-law Services	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Agreement acceptable to Town Solicitor. Report to Council.
4.	Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc.	Fire Chief/Director of Fire and By-law Services	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Agreement acceptable to Town Solicitor. Report to Council.
5.	Process and issue permits pertaining to fireworks displays.	Fire Chief/Director of Fire and By-law Services	By-law 2951(2008) or Successor Thereto	Refer to By-law #2951(2008) or Successor Thereto re Sale and Setting Off Fireworks
6.	Designate Fire Routes once satisfied requirements have been complied with and submit By-law for approval.	Fire Chief/Director of Fire and By-law Services	By-law #97-2030, as Amended or Successor Thereto	Council to approve designation by-law. Council pre-approval not required.
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/Director of Fire and By-law Services	<i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i>	
8.	Approval and signing authority to execute	Fire Chief/Director of Fire		

	agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	and By-law Services		
By-law Enforcement Division				
1.	Approve minor variances to the sign by-law including, but not limited to extensions and minor technical non-compliance.	Fire Chief/Director of Fire and By-law Services; and Manager of By-law Enforcement		Report to Council

Schedule F – Delegation of Powers and Duties

Director of 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	Director of Public Works		
2.	Authorization to manage and perform maintenance, removals, and planting of trees within the Town's right-of-way and property	Manager of Public Works	Policy No. S802-01	
Cemeteries				
1.	Authorization to control and manage each cemetery under the jurisdiction of the Town of Pelham subject to the requirements and regulations set out in the Town's cemetery by-law and the <i>Cemeteries Act</i> .	Director of Public Works /Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
2.	Authorization to enter into agreements for the sale of interment rights	Director of Public Works/Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
Engineering Services				
1.	Authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
2.	Enter into Front-Ending Agreements	Director of Public Works; Consultation with Director of Community Planning and Development		
3.	Authority to enter into water and waste-water service connection agreements	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
4.	Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and	Director of Public Works	Utility Franchise Agreements	

	works within road right-of-way, and/or for Special Event Road Closures			
Roads/Transportation Services				
1.	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 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; d) For construction purposes when public safety may be impacted	Director of Public Works; Consultation with Applicable Directors and/or External Agencies.	By-law #1827(1996) or Successor Thereto	
2.	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.	Director of Public Works	<i>Highway Traffic Act, R.S.O 1990, c. H.8</i>	
3.	Agreements, including cost sharing agreements between the Town of Pelham and Local Area Municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works		
4.	Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable.	Director of Public Works; Consultation with Fire Chief/Director of Fire and By-law Services	By-law 1272(1989)	
5.	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Director of Public Works	Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways	

6.	Enter into Encroachment Agreements on road allowances and over easements	Director of Public Works; Consultation with By-law and Planning		Agreements acceptable to Town Solicitor; Conditional on conditions such as survey, covenants to protect the Town; once satisfied submit By-law for Council approval.
7.	Authority to sign agreements with Railway Authorities for cost sharing of warning systems and maintenance at level railway crossings	Director of Public Works		
8.	Authority to negotiate with the Region of Niagara for the installation and maintenance for traffic control signal and safety systems.	Director of Public Works		
9.	Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways and speed limits on highways under the jurisdiction of the Town of Pelham.	Director of Public Works	By-law 89-2000	
10.	Authority to approve encroachment over easements with private property owners.	Director of Public Works		In consultation with Town Solicitor
11.	Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Mutual Aid Agreement between Local Area Municipalities in Niagara Region	
Water and Wastewater				
1.	Authority to sign applications to the Ministry of Environment and Climate Change under the Ontario Water Resources Act on behalf of the Town of Pelham	Director of Public Works	Ontario Water Resources Act	
2.	Delegation of authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Memorandum of Understanding between the Region of Niagara and the Town of Pelham	

			for Water and Wastewater servicing.	
3.	Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the Town's Water Distribution System	Director of Public Works in consultation with the Manager of Public Works	Town of Pelham DWQMS Operational Plan <i>Safe Drinking Water Act, O.Reg. 170-03</i>	

Schedule G – Delegation of Powers and Duties

Director of Recreation, Culture and Wellness

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
1.	Negotiate agreements relating to performing arts and events	Director, Recreation, Culture and Wellness		Agreements acceptable to Town Solicitor
2.	Authority for discretionary fee adjustments due to service interruptions	Director, Recreation, Culture and Wellness		
3.	Authority to approve the holding of special events in Town-owned parks	Director, Recreation, Culture and Wellness		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 Director.
4.	Execution of day-to-day Agreements and documents related to usual operations of the Department	Director, Recreation, Culture and Wellness		Consultation with Town Solicitor for new Agreements

Schedule H – Delegation of Powers and Duties

Town Solicitor

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
1.	Commence any action or other legal proceeding on behalf of the Town where monetary value of claim is below \$100,000 excluding interest and costs.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement
2.	Where monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action or other legal proceeding on behalf of the Town to ensure no limitation period or other time restriction expires before Council instructions can be obtained.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Obtain instructions of Council as soon as practicable thereafter.
3.	Take all steps necessary to defend any action or legal proceeding commenced against the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
4.	Commence any counterclaim, cross-claim or third party claim as part of the Town's defense to any action or other legal proceeding	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings including description of settlement.
5.	Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Cost or retainer shall fall within approved Town budget.
6.	Accept service of any legal document on behalf of the Town.	Town Solicitor or Town Clerk or CAO	<i>Rules of Civil Procedure; or Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	
7.	Obtain standing or participate in any administrative proceeding on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Obtain instructions of Council as soon as practicable thereafter.
8.	Take all steps necessary to protect or pursue the rights of the Town in its capacity as an owner, occupier, landlord or tenant of property.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.

9.	Take all steps necessary to collect debts and outstanding accounts, enforce orders, decisions, awards and judgements made in favour of the Town, including commencement of claims or other legal proceedings.	Town Solicitor	Various Acts and Regulations, including <i>Courts of Justice Act, Rules of Civil Procedure and Small Claims Court Rules.</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
10.	Enter into settlement with any person or entity on behalf of the Town where the monetary amount of the settlement is below \$100,000 inclusive of interest or costs or below Town deductible pursuant to current Insurance policy.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Sufficient funds available within approved budget. Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
11.	Execute any agreement or other legal document on behalf of the Town that is necessary to carry out the Town Solicitor's authority as set out herein, including releases, receipts, waivers, indemnities and minutes of settlement.	Town Solicitor or Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
12.	Support Committee of Adjustment approvals before Local Planning Appeal Tribunal where Town staff have no objections or are in support of the application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
13.	Support Committee of Adjustment refusals before the Local Planning Appeal Tribunal where Town staff support refusal of application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
14.	Where Committee of Adjustment decisions are contrary to Town staff position, that staff attend before the Local Planning Appeal Tribunal to request conditions, if any, only.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
15.	Where a Committee of Adjustment decision does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners, that staff only attend before the Local Planning Appeal Tribunal to request conditions, if any.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
16.	Where an appeal of a Committee of Adjustment matter results in a revised proposal or a settlement proposal that is supported by the	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	

	parties and staff or there are no objections, that the Local Planning Appeal Tribunal be advised that the Town supports the revised or settlement proposal.			
17.	Decision not to attend appeal hearing from a decision of the Committee of Adjustment where an appeal has been filed with the Local Planning Appeal Tribunal	Town Solicitor		In consultation with Director, Community Planning and Development; where there is significant inconsistency between C of A decision and staff recommendation, staff will report to Council for direction.
18.	Take all steps necessary to respond to appeals filed with the Local Planning Appeal Tribunal in accordance with Council Decisions, including retention of external lawyers and experts, as required, and filing or responding to procedural matters as deemed necessary.	Town Solicitor and Director of Community Planning and Development	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
19.	Where time does not allow for obtaining Council authority, all steps necessary to respond to appeals before the Local Planning Appeal Tribunal prior to expiry of any time restrictions or limitations periods be taken, in accordance with recommendations of CAO and Director of community Planning and Development.	Town Solicitor, CAO and Director of Community Planning and Development	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
20.	Participate in and/or give notice of intention to use mediation, conciliation or other dispute resolution techniques to all appellants and to invite participants to dispute resolution process as deemed necessary.	Town Solicitor and Director of Community Planning and Development.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
21.	Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of agreements and related documents must be acceptable to Town Solicitor.

22.	Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
23.	Approve execution of agreements for the amendment, extension, renewal, and/or revival of leases and licenses on substantially the same terms and conditions of the original agreements	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
24.	Commence any legal proceeding or step in a legal proceeding in Small Claims Court, on behalf of the Town	Town Solicitor		
25.	Commence any legal proceeding on behalf of the Town to ensure that no limitation period or other time restriction expires before instructions of Council can be obtained	Town Solicitor		Council instruction to be sought as soon as practicable thereafter