

Proposed Draft By-law

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – XX

Being a By-law detailing certain Delegation of Certain Powers and Duties by the Municipality

Whereas Section 23 of the *Municipal Act, 2001, S.O. 2001 c.25* (“Act”) authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the Act provided Council is of the opinion that the power being delegated is of a minor nature;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas, Council of the Town of The Blue Mountains enacted the “Delegation by Council of Powers and Duties” Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10”; And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the “Delegation by Council of Powers and Duties Policy, POL.COR.07.04”, and has received Staff Report FAF.21.056 “Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties” on April 6, 2021;

And Whereas Council of the Town of the Blue Mountains deems it appropriate to update the delegation of powers and duties and herein delegates portions of these authorities and responsibilities to qualified “others” as specified below.

Now Therefore Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Delegation of authority to sign agreements to accept grants, or funding agreements where no municipal contribution is required or where the municipal contribution has been budgeted for and does not exceed the purchasing limits assigned to the Director of Finance, delegated to the Director of Finance, or designate, being the Manager of Accounting and Budgets, AND Appropriate Department Director, or designate;
2. Execution of various governmental forms and applications related to proposed Works on Town lands as applicable (Permit to take Water, Environmental Class Assessment, CA, etc. application), delegated to Director of Operations, or the Manager of Water and Wastewater Services;
3. Execution of Form 1 – Record of Watermains Authorized as a Future Alteration to Director of Operations, or the Manager of Water and Wastewater Services;
4. Execution of Expropriation Documents, with approval of Chief Administrative Officer and the Director of Legal Services, delegated to the Mayor and Town Clerk-;
5. During the time that regular Council meetings are suspended (summer vacation or any other reason) delegation to approve tenders, and requests for proposals, award contracts and execute contracts provided that the total costs are within the approved budget contained in the relevant departmental budget and that a report regarding these matters be brought to Council at its next regular meeting, delegated to Chief Administrative Officer, or designated Department Director.

And Further that, with the enactment of this By-law, that By-law 2015-63 be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2021

Alar Soever, Mayor

Corrina Giles, Town Clerk

Tracked Changes

The Corporation of the Town of The Blue Mountains

By-Law Number ~~2015-63~~ 2021 – XX

Being a By-law ~~to detailing certain Delegate~~ Delegation of Certain Powers and Duties by the Municipality or Authority

Whereas Section 23 of the *Municipal Act, 2001, S.O. 2001 c.25 ("Act")* authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the ~~Municipal Act~~ Act provided Council is of the opinion that the power being delegated is of a minor nature;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas, Council of the Town of The Blue Mountains enacted the "Delegation by Council of Powers and Duties" Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10";

And Whereas the Committee of the Whole at its meeting of December 7, 2015 considered and made recommendation to Council to enact the delegation contained in staff report FAF.15.65 "Delegation Policy Review – Followup Report";

And Whereas Council at its meeting of December 21, 2015 considered the recommendation of the Committee of the Whole and the delegations contained in staff report FAF.15.65 "Delegation Policy Review – Followup Report";

And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the "Delegation by Council of Powers and Duties Policy, POL.COR.07.04", and has received Staff Report FAF.21.056 "Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties" on April 6, 2021;

And Whereas Council of the Town of the Blue Mountains deems it appropriate to update the delegation of powers and duties and herein delegates portions of these authorities and responsibilities to qualified "others" as specified below.

And Whereas Council of the Corporation of the Town of The Blue Mountains has determined that the powers to be delegated are of a minor nature;

Now Therefore Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. ~~Execution of subdivision and condominium agreements, in a form approved by the Town's solicitor, that reflect the approved conditions of a plan of subdivision or a plan of condominium, delegated to the Director of Planning and Development Services, or designate, being the Manager of Development Engineering;~~
- 2.1. Delegation of authority to sign agreements to accept grants, or funding agreements where no municipal contribution is required or where the municipal contribution has been budgeted for an does not exceed the purchasing limits assigned to the Director of Finance, delegated to the Director of Finance, or designate, being the Manager of Accounting and Budgets, AND Appropriate Department Director, or designate;
- 3.2. Execution of various governmental forms and applications related to proposed Works on Town lands as applicable (Permit to take Water, Environmental Class Assessment, CA, etc. application), delegated to Director of ~~Infrastructure and Public Works~~ Operations, or ~~designate, being~~ the Manager of Water and Wastewater Services;
- 4.3. Execution of Form 1 – Record of Watermains Authorized as a Future Alteration to Director of ~~Infrastructure and Public Works~~ Operations, or ~~designate, being~~ the Manager of Water and Wastewater Services;

Commented [LS1]: Removed and incorporated into by-law 2012-76

5-4. Execution of Expropriation Documents, with approval of ~~CAO-Chief~~
~~Administrative Officer~~ and ~~Solicitor~~~~the Director of Legal Services~~, delegated to the
~~Mayor and~~ Town Clerk, ~~or designate, being the Deputy Clerk;~~

5. During the time that regular Council meetings are suspended (summer vacation or any other reason) delegation to approve tenders, and requests for proposals, award contracts and execute contracts provided that the total costs are within the approved budget contained in the relevant departmental budget and that a report regarding these matters be brought to Council at its next regular meeting, delegated to Chief Administrative Officer, or designated Department Director.

And Further that, with the enactment of this By-law, that By-law 2015-63 be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2021

Alar Soever, Mayor

Corrina Giles, Town Clerk

THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

BY-LAW No. 2015 – 63

Being a By-law to delegate certain power or authority

WHEREAS Section 23 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the *Municipal Act* provided Council is of the opinion that the power being delegated is of a minor nature;

AND WHEREAS the Committee of the Whole at its meeting of December 7, 2015 considered and made recommendation to Council to enact the delegations contained in staff report FAF.15.65 "Delegation Policy Review – Followup Report";

AND WHEREAS Council at its meeting of December 21, 2015 considered the recommendation of the Committee of the Whole and the delegations contained in staff report FAF.15.65 "Delegation Policy Review – Followup Report";

AND WHEREAS Council of The Corporation of the Town of The Blue Mountains has determined that the powers to be delegated are of a minor nature;

NOW THEREFORE Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Execution of subdivision and condominium agreements, in a form approved by the Town's solicitor, that reflect the approved conditions of a plan of subdivision or a plan of condominium, delegated to the Director of Planning and Development Services, or designate, being the Manager of Development Engineering;
2. Delegation of authority to sign agreements to accept grants, or funding agreements where no municipal contribution is required or where the municipal contribution has been budgeted for and does not exceed the purchasing limits assigned to the Director of Finance, delegated to the Director of Finance, or designate, being the Manager of Accounting and Budgets, AND Appropriate Department Director, or designate;
3. Execution of various governmental forms and applications related to proposed Works on Town lands as applicable (Permit to take Water, Environmental Class Assessment, CA, etc. applications), delegated to Director of Infrastructure and Public Works, or designate, being the Manager of Water and Wastewater Services;
4. Execution of Form 1 – Record of Watermains Authorized as a Future Alteration to Director of Infrastructure and Public Works, or designate, being the Manager of Water and Wastewater Services;
5. Execution of Expropriation Documents, with approval of CAO and Solicitor, delegated to the Town Clerk, or designate, being the Deputy Clerk;
6. During the time that regular Council meetings are suspended (summer vacation or any other reason) delegation to approve tenders, and requests for proposals, award contracts and execute contracts provided that the total costs are within the approved budget contained in the relevant departmental budget and that a report regarding these matters be brought to Council at its next regular meeting, delegated to Chief Administrative Officer, or designated Department Director.

THIS By-Law shall come into full force and effect upon the date of final passing thereof.

ENACTED AND PASSED this 21st day of December, 2015

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John McKean, Mayor

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Corrina Giles, Town Clerk