



By-law No. 41-2022

Delegation of Authority By-law

Consolidated Version *Revised and Verified*

Revision History:	Passed On:
Original	June 27, 2022
69-2022	December 12, 2022
21-2024	April 23, 2024
22-2024	April 23, 2024

Consolidated for Convenience Only

This consolidated copy of a Woolwich Township By-law is for convenient information. While every effort is made to ensure the accuracy of this copy, the original by-law must be consulted for all legal interpretations and applications. For more information or to view by-laws please contact the Clerks Division. This document is available in alternate formats on request.

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The Corporation of the Township of Woolwich

By-law No. 41-2022

A By-law respecting the Delegation of Powers and Duties of the Council of the Township of Woolwich

WHEREAS section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that sections 9, 10 and 11 authorize a municipality to delegate its powers and duties under any Act to a person or body subject to listed restrictions; and

WHEREAS section 23.3 of the Municipal Act, 2001, S.O. 2001, c. 25 provides an outline of authority of powers that cannot be delegated by a municipality; and

WHEREAS section 270 of the Municipal Act, 2001, provides that a municipality shall adopt and maintain policies respecting the delegation of its powers and duties; and

WHEREAS section 5 of the Planning Act, 1990, as amended, authorizes a municipal council to delegate authority, by by-law, except for the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans; and

WHEREAS Section 275 of the *Municipal Act S. O. 2001, c 25*, as amended, restricts acts that Council can take after Nomination Day and after Voting Day if the Council is in a lame duck position; and

WHEREAS Section 275 (3) of the *Municipal Act S.O. 2001, c 25*, states that nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council; and

WHEREAS section 39.2 of the Planning Act, R.S.O. 1990, c. P.13 provides that the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to: (a) a committee of council; or (b) an individual who is an officer, employee, or agent of the municipality; and

WHEREAS the Council of The Corporation of the Township of Woolwich ("Council") has already passed various by-laws delegating the powers and duties outlined in Schedules of this By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose, and Scope

Short Title

1. This by-law shall be known as the "Delegation By-law".

Purpose

2. This by-law has been enacted to:
 - a. delegate powers and duties of the Township;
 - b. acknowledge delegations made by other by-laws; and
 - c. establish policies respecting the delegation of powers and duties.

Scope

3. This by-law shall not apply to the powers and duties provided to municipal officers set out in the Municipal Act or any other Act.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

5. All references to applicable law are ambulatory and apply as amended from time to time.

References to Titles and Departments

6. All references to titles and names of departments apply as amended.

Definitions

7. For the purposes of this by-law:

"Administrative Powers" includes all matters required for the management of the corporation which do not involve discretionary decision making.

"CAO" means Chief Administrative Officer or designate.

"Clerk" means Clerk of the Township of Woolwich and Director of Corporate Services or designate.

"Council" means the Council of the Township of Woolwich.

"Department Heads" means the Chief Administrative Officer, Fire Chief and the Directors of all Departments established by the Chief Administrative Officer or designates.

"Execute" and "execution" means, subject to the requirements of this by-law, to carry out all activities including but not limited to review, consideration, drafting and negotiation of a document, acceptance and approval of the form and content of a document, and completion of the formalities intended to give effect to and make legally binding and enforceable a document on the Township and the other party or parties to the document and may include any one or more of the following formalities as may be required in the circumstances:

- (a) signing the document, whether by written signature or in electronic form;
- (b) causing the seal of the Township to be affixed to the document; and
- (c) causing delivery of the document to be made to the other parties thereto;
"Legislative Powers" includes all matters where council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority;

"Municipal Act" means the *Municipal Act, 2001*, SO 2001, c. 25; and

"Township" means The Corporation of the Township of Woolwich.

Part III. Policies Respecting the Delegation of Powers and Duties

Rules

8. The following rules apply to all powers or duties delegated by Council:
 - a. Council may, by by-law, repeal or amend the delegation at their discretion and without notice;
 - b. both Council and the delegate may exercise the power, unless Council expressly provides that only the delegate can exercise the power;
 - c. Council may, by by-law, impose any conditions, limits, procedures or notice requirements Council considers appropriate to support good governance, accountability and transparency;
 - d. where a power is delegated:
 - i. the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power; and
 - ii. any duties related to the power are deemed to be delegated with the power.
9. All schedules attached to this by-law form part of this by-law.
10. Any authority delegated within this by-law also gives authority to execute any document to affect the delegation.

Legislative Powers

11. Legislative Powers may be delegated by Council as permitted by law where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised.

Administrative Powers

12. Administrative Powers may be delegated to staff subject to the conditions set out in the delegation and in this by-law, and any limitations set out in legislation.
13. A delegate of a power or duty may sub-delegate the power; and these powers and duties shall be exercised only by the delegates and sub-delegates in accordance with this by-law and shall not be exercised by Council.

Part IV. Delegation

Delegation by By-law

14. All delegations of Council powers, duties or functions shall be affected by by-law.

Powers and Duties remain with Council

15. All powers and duties of Council shall remain with Council unless a power or duty has been expressly delegated by by-law.

Delegated Powers and Duties

16. Council delegates the powers and duties described in this by-law to the officers, employees, agents, or bodies listed in the attached schedules to this by-law subject to the conditions, limits, procedures or notice requirements, if any, listed in the schedules to this by-law.
17. Where Council delegates a power or duty to an officer or employee of the Township, the delegation also applies to a person appointed by the CAO or the delegate to act in the capacity of the delegate from time to time.

Part V. Conflict and Transition

Conflict

18. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.
19. Where there is a conflict or a contradiction between this by-law and any other by-law of the Township, the provisions of this by-law shall prevail, unless specifically stated in that by-law that the "Delegation By-law" does not supersede.

Terms Severable

- 20. The terms and provisions of this by-law shall be severable, and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

By-laws Repealed or Amended

- 21. The following by-laws are repealed:
 - a. 62-1981, 23-1987, 87-1990, 50-2007, 69-2010; and
 - b. Schedule B of By-law 45-2015.

Enactment

- 22. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed.
- 23. FINALLY PASSED AND ENACTED this 27th day of June, 2022.

Signature on File _____ Mayor

Signature on File _____ Clerk

Schedule A - General Delegations

Delegated Authority	Delegate	Delegation & Legislative Limits
Consent Authority as set out under section 53 of the Planning Act	Committee of Adjustment	As set out in By-law 21-1995
Decide on applications for minor variances from the Sign By-law	Committee of Adjustment acting as the Sign Variance Committee	As set out in By-law 35-2015
Decide on appeals of orders	Property Standards Committee	As set out in By-law 24-2012
Decide on appeals of dog designations	Dog Designation Appeal Committee	As set out in By-law 31-2018 Council does not retain this authority
Sign acknowledgement and Direction Forms	CAO Department Heads Fire Chief	As set out in By-law 45-2015 Council may act where it determines that a matter is no longer minor in nature within the meaning of subsection 23.2(4) of the Municipal Act, 2001
Act as Purchasing Agents	Department Heads	As set out in By-law 71-2015
Execute contracts and any ancillary documents	Mayor and Clerk	As set out in By-law 71-2015
Issue Purchase Orders and purchasing authority	Treasurer	As set out in By-law 71-2015

Schedule B - Chief Administrative Officer

Delegated Authority	Delegate	Delegation & Legislative Limits
<p>Exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality</p>	<p>CAO</p>	
<p>Establish the structure of the municipality, including the establishment, merger and elimination of divisions and departments and establishing a managerial hierarchy</p>	<p>CAO</p>	
<p>Coordinate and supervise the implementation of and ensure the effective administration of all programs and policies initiated and adopted by Council and of all projects and undertakings initiated by or pursuant to the direction within the strategic policy framework approved or adopted by Council</p>	<p>CAO</p>	
<p>Coordinate administrative amendments to all active Policies to reflect any organizational changes that impact delegated authority</p>	<p>CAO</p>	

Delegated Authority	Delegate	Delegation & Legislative Limits
Approve and amend Policies and Procedures related to the administration of employees, including the dates to be observed as public holidays and holiday closures	CAO	
Waive notice requirements	CAO	For specific matters as set out in By-law 111-2002 (urgent, time sensitive, health and well-being)
Disposing of any real or personal property of the Township which has a value exceeding \$50,000 at the time of disposal; and making any expenditures or incurring any other liability which exceeds \$50,000.	CAO	<p>Delegation only applies if Council is restricted from taking action after nomination day under section 275 of the Municipal Act, during "lame duck".</p> <p>The CAO shall report action taken or decisions made in accordance with the delegated authority given during the periods outlined in this by-law to Council, either at its next regularly scheduled meeting or at an additional meeting convened by Council.</p>

Schedule C - Corporate Services

Delegated Authority	Delegate	Delegation & Legislative Limits
Head under the Municipal Freedom of Information and Protection of Privacy Act	Clerk	The delegate may refer any application under the Municipal Freedom of Information and Protection of Privacy Act to Council
Authorized and directed to give notice when required to do so by the Municipal Act, 2001	Clerk	As set out in by-law 111-2002
Authorized to amend the Records Retention schedules attached to the Records Retention By-law and amend the Records Management Program (policies and procedures)	Clerk	
Agreements related to the exchange, release, or confidentiality of information	Clerk	Where not in contradiction of the Municipal Freedom of Information and Protection of Privacy Act
Issue Fireworks Sales Licences	Clerk	As set out in By-law 15-2015
Administration of the by-law and authority to issue, refuse to issue, suspend, or revoke a vendor licence	Clerk	Delegated authority is set out in By-law 08-2020. Council retains the authority to hear appeals as set out in By-law 08-2020
Grant noise exemptions	Clerk	As set out in By-law 47-2023
Accept service of all notices and documents on behalf of the Township	Clerk	

Delegated Authority	Delegate	Delegation & Legislative Limits
Authorize the processing of Set Fine applications	Clerk	
Authorize Designations of Municipally Significant Events for SOP Applications	Clerk	The Clerk is delegated authority to issue a letter designating a public event as a municipally significant event, on behalf of the Township and in keeping with the procedure
Approve, execute and amend data service agreements and any associated documents with respect to approved Township generated projects	Clerk and Manager of IT Services	As set out in by-law 71-2015
Act as the single point of contact, being the municipal sector entity, pursuant to the Ombudsman Act	Clerk	
Update Schedules in this "Delegation Authority By-law with amended or successor by-laws	Clerk	Authority is limited to amendment and successor by-laws, but does not allow for new delegations
Approve Annual Grant Eligibility Applications	Clerk	
Approve Arts and Culture Grant Applications	Senior Management Team	Up to \$1,000
Approve Equity, Diversity, Inclusion and Belonging Grant Applications	Senior Management Team	up to \$2,000

Delegated Authority	Delegate	Delegation & Legislative Limits
Approve Special Event and Special Assistance Grant Applications	Senior Management Team	up to \$1,000
Approve Travel Assistance Grant Applications	Clerk	Per limits set out in the Grants Policy
Approve Fee Waiver Requests	Senior Management Team	up to \$1,000

Schedule D - Development Services

Delegated Authority	Delegate	Delegation & Legislative Limits
Issue, renew, revoke or refuse to issue site alteration permits	Director of Development Services	As set out in By-law 86-2020
Use dispute resolution techniques to attempt to resolve an appeal in accordance with the Planning Act as amended	Director of Development Services	
Revoke sign permits	Chief Building Official and Clerk	As set out in By-law 35-2015
Site Plan approvals and agreements under section 41 of the Planning Act	Director of Development Services	as set out in subsections 41 (13) and (7) of the Planning Act
Approve and execute agreements with respect to conditional building permits	Chief Building Official	
Approve and execute agreements with respect to Subdivisions	Director of Development Services	
<p>Planning decisions dealing with minor amendments to zoning by-laws, including but not limited to:</p> <ol style="list-style-type: none"> 1. a by-law to remove a holding symbol; and 2. a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1). 	Director of Development Services	<p>The Director of Development Services may pass a by-law:</p> <ol style="list-style-type: none"> 1. to remove a holding symbol when issues are resolved where authorized by a resolution of Council. 2. that is minor in nature consistent with the Planning Act and at the discretion of the Director.

Schedule E - Fire and Emergency Services

Delegated Authority	Delegate	Delegation & Legislative Limits
Issue Fireworks Display Permits	Fire Chief	As set out in By-law 15-2015
Issue burn permits	Fire Chief	As set out in By-law 19-2013
Administration and operation of the Fire Department	Fire Chief	As set out in By-law 24-2016
Exercise all powers mandated by the Fire Protection and Prevention Act, 1997	Fire Chief	As set out in By-law 24-2016
Allocate funds from the Housing Accelerator Fund Reserve Fund	Director of Development Services in consultation with the Director of Financial Services	Funding shall be allocated to eligible proponents that satisfy the minimum development criteria
Execute Agreements for Rental Housing Subsidies through the Rental Housing Initiative	Director of Development Services	

Schedule F - Financial Services

Delegated Authority	Delegate	Delegation & Legislative Limits
Delegated Powers and Duties of Treasurer respecting Collection of Taxes and utilities	Manager of Revenue/Tax Collector	
Approve grant funding applications to secure funding for the Township, even if there are incremental expenditures or staffing impacts	Treasurer and appropriate Director	Only where: <ul style="list-style-type: none"> • the grant application deadline is time sensitive and does not coincide with the Council reporting cycle, • the application may be withdrawn should Council subsequently not approve of the Township's participation in the funding opportunity • the grant is under \$100,000
Approve, execute, amend, and terminate agreements and submission applications and associated documents in accordance with Township approved grant funding incentive programs	Treasurer	
Approve, sign, and execute minutes of settlement between the Township and the Municipal Property Assessment Corporation and/or the Assessment Review Board	Treasurer	
Approve, execute, and submit any financial or non-financial reporting requirements associated with the receipt of grant funds	Treasurer	

Delegated Authority	Delegate	Delegation & Legislative Limits
<p>Approve and execute development charge agreements for development charges to be paid before or after it would otherwise be payable as provided for in accordance with Section 27 of the Development Charges Act</p>	<p>Treasurer</p>	
<p>Documentation relating to the renewal or extension of the Township's banking services requirements including but not limited to overdraft terms, letters of delegation, instructions, verifications opening and closing accounts and new services</p>	<p>Treasurer</p>	
<p>Authorize documentation relating to the Township's investment portfolio requirements</p>	<p>Treasurer</p>	
<p>Documentation to authorize temporary borrowing for expenditures made in connection with a work to be financed in whole or in part by the issue of debentures pursuant to section 405 of the <i>Municipal Act, 2001</i> (Ontario).</p>	<p>Treasurer</p>	<p>Provided that:</p> <ul style="list-style-type: none"> (a) the capital works and financing from debentures has been duly approved by Council; (b) the amount to be borrowed does not exceed the amount of long-term financing approved for the capital works; and (c) any such borrowing is reported to Council as soon as practicable.

Schedule G - Infrastructure Services

Delegated Authority	Delegate	Delegation & Legislative Limits
<p>Approve, sign, execute and terminate the following agreements, all/any associated documents and/or applications:</p>	<p>Director of Infrastructure Services</p>	<p>Approval of listed items are limited within the Council tender's approval threshold under the Purchasing By-law:</p> <ol style="list-style-type: none"> 1. Field Liaison Representative Agreements 2. Consultant Agreements 3. Permission to Enter Agreement 4. Contract Documents for Capital and Operating Works 5. Land Purchase and Easement Agreements 6. Encroachment Agreements 7. Data Licence Agreements and Any Associated Documents 8. CA Applications and Any Associated Documents 9. Transfer Payment Agreements (Upper Government Grants) 10. Multi Year Construction and Consulting Agreements 11. Temporary or Preliminary Work Licence 12. Construction Site Agreements 13. Easement Agreements 14. Memorandums of Understanding and Undertaking and Any Associated Documents With Other Levels of Governments And Agencies Including Conservation Authorities 15. Utility/telecommunication Agreements for the Purpose of Creating New Connections, Updating Connections for Township Infrastructure and New Development including municipal access agreements 16. Archaeological agreements

Delegated Authority	Delegate	Delegation & Legislative Limits
Seasonal Load Limit Restrictions (Timing and Exemptions)	Director of Infrastructure Services	Limits outlined in By-law 70-2006 and By-law 20-1982
Declare Winter Parking Ban	Director of Infrastructure Services	Limits outlined in By-law 70-2006
Designate Construction Zones	Director of Infrastructure Services	Designate a Roadway or a portion of a Roadway as a Construction Zone
Designate Temporary No Parking or No Stopping Zones	Director of Infrastructure Services	Designate temporary No Parking or No Stopping Zones in the interest of safety
Approve, execute, amend and terminate agreements and submission applications associated documents in accordance with Township approved grant funding incentive programs for Infrastructure Service.	Director of Infrastructure Services	
Approve, execute, and amend utility/telecommunication connection agreements and contracts and any associated documents for the purpose of creating new connections, updating existing connections for Township infrastructure and new development and accepting new charges for utility/telecommunication services	Director of Infrastructure Services	
Approve, execute, amend, and terminate agreements and associated documents in accordance with energy utility/telecommunication funding and incentive programs	Director of Infrastructure Services and Treasurer	

Delegated Authority	Delegate	Delegation & Legislative Limits
MECP-ECA applications (Environmental Compliance Approvals), and any associated documents	Director of Infrastructure Services and Treasurer	

Schedule H - Recreation and Community Services

Delegated Authority	Delegate	Delegation & Legislative Limits
Approve, renew, or amend any annual indoor or outdoor facility leases and associated documents with various businesses and associations that are directly related to the Township's business objectives	Director of Recreation and Community Services and Treasurer	
Agreements/Contracts: <ul style="list-style-type: none"> • Facility Advertising • Facility Rental • Trail Maintenance • Service Agreements • Operational/Maintenance Contracts 	Director of Recreation and Community Services Manager of Operations Projects Recreation Manager	