

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2021-009

Being a By-law to delegate certain powers and duties under the *Municipal Act*, S.O. 2001, c.25, the *Planning Act*, R.S.O. 1990 c. P. 13 and other Acts.

Whereas Section 23.1 of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes a municipality to delegate its powers and duties, subject to the restrictions defined in Section 23.2 of the same *Act*; and

Whereas Council of the Corporation of the Township of Georgian Bluffs enacted By-law 19-2008 to delegate powers to Township officers and employees, and amending By-law 110-2013; and

Whereas Council wishes to repeal By-laws 19-2008 and 110-2013 and delegate authorities under this By-law; and

Whereas Council of the Township of Georgian Bluffs deems it to be necessary and expedient, to delegate powers and duties to Township officers and employees;

Now Therefore, the Council of the Township of Georgian Bluffs enacts the following:

### 1. Definitions

1.1. For the purposes of this by-law, the following definitions shall apply:

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

“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.

“CAO” means the Township Chief Administrative Officer as appointed by by-law.

“Chief Building Official” or “CBO” means the Township Chief Building Official as appointed by by-law.

“Clerk” means the Township Clerk as appointed by by-law.

“Council” means the elected Council of the Township of Georgian Bluffs.

“Department Head” means the head of an operating department as appointed by Council.

“Restricted Acts Period” means the period after nomination day, but before voting day when Council’s powers are limited pursuant to Section 275 (1) of the Act.

“Senior Planner” means the Township Senior Planner.

“Treasurer” means the Township Treasurer as appointed by by-law.

“Usual Operations” means the activities and administrative decision making required as part of the day-to-day operations of the department.

### 2. Scope

2.1. Council delegates the powers and duties set out in the attached Schedule “A” to those officers, employees and committees listed therein, subject to the limitations specified therein.

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. Any delegation to a Department Head shall be deemed to include the CAO.

2.4. Where the exercise of a delegated power or duty required the expenditure of money, or will result in a financial loss, funding for the expenditure or potential loss must be included in a budget approved by Council, with respect to the recognized Purchasing Policy, as a condition to the exercise of the delegated authority.

2.5. Unless otherwise specified, all delegated authority set out in Schedule "A" and exercised shall be reported on a quarterly basis, or as necessary, to Council, or a Committee of Council described as responsible for the delegated authority.

2.6. In cases of emergencies or special circumstances where it is necessary to act within the mandate of a department, but such action is not strictly within the terms of the delegated authorities included in Schedule "A", the CAO may take the necessary actions.

### 3. Severability

3.1. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid the remainder of the By-law shall be valid and shall remain in force. Where a provision of this By-law conflicts with the provision of another by-law, the more restrictive provision shall prevail.

3.2. Where any legislative reference is made in this By-law it shall be deemed to include that legislation, any regulations thereunder, any amendments thereto and any successor legislation or section.

### 4. Repeal and Force and Effect

4.1 By-laws 19-2008 and 110-2013, are hereby repealed.

4.2 That Schedule "A" attached hereto forms a part of this By-law

4.3 This By-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 24th day of February, 2021.

Read a third time and passed this 24th day of February, 2021.

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Mayor – Dwight Burley

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Clerk – Brittany Drury

## Schedule “A” – Delegation of Powers and Duties

Delegation	Delegate	Limitation
<b>Chief Administrative Officer</b>		
Execute agreements and other documents related to the general control and management of Township affairs for the purpose of ensuring efficient and effective operations, further to Section 229 of the Act, including but not limited to: <ul style="list-style-type: none"> <li>Easement agreements and any associated documents for approved initiatives</li> <li>Agreements, memorandums of understanding and undertakings for approved initiatives or administrative matters.</li> </ul>	CAO and Mayor (where applicable)	With respect to the limits of the recognized Purchasing Policy.
Develop, approve, and implement administrative and personnel policies, procedures, and actions, including but not limited to hiring, firing, dates to be observed as public holidays and holiday closures, offers or changes in offers of employment, etc.	CAO and HR Manager	Quarterly reporting to Council, or as deemed necessary. With respect to Section 23.3 of the <i>Municipal Act, 2001</i> .
Co-ordinate and supervise the implementation of all programs and policies approved by Council.	CAO	Quarterly reporting to Council, or as deemed necessary.
Review the corporation’s organizational structure regularly and implement any changes that would improve the effectiveness or efficiency of structures.	CAO	Quarterly reporting to Council, or as deemed necessary.
Retain external legal counsel to assist in legal matters as necessary to protect the Corporation.	CAO	Quarterly reporting to Council, or as deemed necessary.
Execute minutes of settlement and contracts arising out of the arbitration of matters under Collective Agreements.	CAO and HR Manager	Quarterly reporting to Council, or as deemed necessary.
Execute agreements for the purposes of capital projects as required to implement an approved capital project.	CAO or appropriate Department Head	Capital projects approved by Council through the budget process or other means
Settle and approve payment of insurance claims of any deductible limit provided under the existing insurance policy.	CAO and Treasurer	With respect to the limits of the recognized insurance policy.
Execute agreements and associated documents with respect to approved corporate partnerships based on sponsorship and advertising assets.	CAO and Treasurer	With respect to the limits of the recognized insurance policy.

<b>Treasurer / Director of Finance</b>		
Execute agreements and other documents related to the Usual Operations of the department.	Treasurer	With respect to the limits of the recognized Purchasing Policy.
Execute grant applications on behalf of the corporation, and all contribution and other agreements related to any approved grant application.	Treasurer	Quarterly reporting to Council, or as deemed necessary.
Execute transfer agreements with the Province.	Treasurer	Quarterly reporting to Council, or as deemed necessary.
Powers and duties of the Treasurer with respect to the collection of taxes.	Treasurer	
Mediate and settle proceedings at the Municipal Property Assessment Corporation and/or Assessment Review Board (ARB) with respect to property assessment, taxation and payments-in-lieu of taxes.	Treasurer / CAO	Quarterly reporting to Council, or as deemed necessary.
Execute minutes of settlement arising out of tax appeals and assessment appeals at the Municipal Property Assessment Corporation and/or Assessment Review Board (ARB).	Treasurer / CAO	Quarterly reporting to Council, or as deemed necessary.
Execute extension agreements extending the period of time in which the cancellation price is to be paid in municipal tax sales proceedings.	Treasurer	Quarterly reporting to Council, or as deemed necessary.
Make technical adjustments to the annual approved capital and operating budget based on business needs and good accounting practices.	Treasurer	In accordance with approved annual budgets.
Establish new reserve funds as a result of the approved annual budget.	Treasurer	In accordance with approved annual budgets.
Process and approve tax arrear payment extension agreements.	Treasurer	Quarterly reporting to Council, or as deemed necessary.
<b>Clerk</b>		
Execute agreements and other documents related to the Usual Operations of the department.	Clerk	With respect to the limits of the recognized Purchasing Policy.
Process and sign acknowledgement and direction documents.	Clerk and Mayor	
Process and issue Township licences in accordance with Township Licensing By-laws.		With respect to the limits of licensing programs.
Designate an event as an event of municipal significance for the purposes of the Special Occasions Permit process.	Clerk	Quarterly reporting to Council, or as deemed necessary.
Powers and duties of the Head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O., 1990.	Clerk	
Authority to issue lottery licences.	Clerk	
Execute Interment Rights Certificates	Clerk	

Execution of legal documents related to the registration of documents approved by Council.	Clerk	
Apply to the Chief Judge for short form by-law wording approval.	Clerk	With enactment of Council.
<b>Chief Building Official / By-law Enforcement Officer</b>		
Execute agreements and other documents related to the Usual Operations of the department.	CBO	With respect to the limits of the recognized Purchasing Policy.
Execute conditional permits and associated agreements, pursuant to Section 8 (3) of the <i>Building Code Act</i> , S.O., 1992, c.23.	CBO	In consultation with the Planning Department.
Process and issue Township Building Permits and approve any associated plans.	CBO	In consultation with the Planning Department.
Issue or refuse to issue a demolition permit.	CBO	
Process and issue licences in accordance with the Township Trailer Licensing By-law and the Township Sign By-law.	CBO	
Authority to approve temporary exemptions to the Township Noise By-law.	By-law Enforcement	
<b>Senior Planner</b>		
Approve and amend the following documents or matters: <ul style="list-style-type: none"> <li>• Site plan agreements in accordance with the <i>Planning Act</i>, R.S.O, 1990 c. P. 13</li> <li>• Agreements related to building and development matters (excluding subdivision and condominium agreements), which Council has been informed of through the public planning process.</li> <li>• Agreements required as a condition of a Committee of Adjustment decision.</li> </ul>	Senior Planner and CAO	Quarterly reporting to Council, or as deemed necessary.
Execute agreements and other documents related to the Usual Operations of the department.	Senior Planner	With respect to the limits of the recognized Purchasing Policy.
Attempt to mediate and settle appeals to the Local Planning Appeal Tribunal in accordance with the <i>Planning Act</i> , R.S.O, 1990 c. P. 13.	Senior Planner	Quarterly reporting to Council, or as deemed necessary.
Schedule and convene public meetings in accordance with the <i>Planning Act</i> , R.S.O, 1990 c. P. 13.	Senior Planner	
Approve full or partial release of subdivision or condominium agreements.	Senior Planner	Quarterly reporting to Council, or as deemed necessary.
Authorize security reductions or returns for site plan agreements, and subdivision or condominium agreements.	Senior Planner and	Quarterly reporting to Council, or as deemed necessary.

	Director of Operations	
Review and comment on Niagara Escarpment Development Permit applications.	Senior Planner	
Approve shoreline work permits and remediation activities, including but not limited to maintenance to existing retaining walls and minor landscaping.	Senior Planner and Director of Operations	Quarterly reporting to Council, or as deemed necessary.
Giving of Consent under Section 53 of the <i>Planning Act</i> , R.S.O, 1990 c. P. 13.	Committee of Adjustment	
Authorizing minor variances under Section 45 of the <i>Planning Act</i> , R.S.O, 1990 c. P. 13.	Committee of Adjustment	
<b>Director of Operations</b>		
Execute agreements and other documents related to the Usual Operations of the department.	Director of Operations	With respect to the limits of the recognized Purchasing Policy.
Renew or extend agreements approved by Council, with no financial impact.		Only applicable to agreements that have been approved by Council, either by by-law or through the annual budget process.
Approve temporary road closures for construction, routine operations, rehabilitation, maintenance, special events, and repairs.	Director of Operations	Quarterly reporting to Council, or as deemed necessary.
Approval of utility and drainage road crossing agreements.	Director of Operations	Quarterly reporting to Council, or as deemed necessary.
Process and issue entrance permit and road occupancy permits.	Director of Operations	
Process and approve seasonal weight Highway restriction exception requests on Township roadways.	Director of Operations	
Approve, renew, or amend any indoor or outdoor facility leases and associated documents.	Director of Operations	Quarterly reporting to Council, or as deemed necessary.
Authority to sign and approve CVOR licence application.	Director of Operations	
Authority to sign agreements for vehicle registration, including but not limited to documents associated with ownership.	Director of Operations	

Complete and submit applications for Certificates of Approval for Permits to Take Water.	Director of Operations	Quarterly reporting to Council, or as deemed necessary.
Approve and amend Boundary Road Agreements.	Director of Operations	Quarterly reporting to Council, or as deemed necessary.
<b>Restricted Acts After Nomination Day (Section 275 of the Act)</b>		
Hiring or dismissal of any Township employee.	Jointly: CAO and Clerk	Must be exercised jointly, not by one person, in accordance with the Act. An informational report must be presented to the sitting Council upon exercising the authority.
Disposition of any real person property of the municipality which has a value exceeding \$50,000.00 at the time of disposal.	Jointly: CAO and Treasurer	Must be exercised jointly, not by one person, in accordance with the Act. An informational report must be presented to the sitting Council upon exercising the authority.
Making any expenditure or incurring any other liability which exceeds \$50,000.00.	Jointly: CAO and Treasurer	Must be exercised jointly, not by one person, in accordance with the Act. An informational report must be presented to the sitting Council upon exercising the authority.

