

Municipality of Lakeshore

By-law 63-2023

Being a By-law to Delegate Authority

Whereas Section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25 indicates that the purpose of a municipality is to be a responsible and accountable government with respect to matters within its jurisdiction and each municipality is given powers and duties under the *Municipal Act, 2001*, and many other Acts for the purpose of providing good government with respect to those matters;

And whereas paragraph 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting services and things that the municipality is authorized to provide;

And whereas section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its power and duties;

And whereas it is deemed expedient to delegate authority from Council to the officers and employees of the municipality for the purpose of providing responsible, accountable, good and efficient government, as recommended by the Division Leader – Legislative Services at the July 18, 2023 Council meeting;

Now therefore, the Council of the Municipality of Lakeshore enacts as follows:

1. Authority is delegated to specified officers and employees to act, subject to limits and restrictions, as described in Schedule “A-1” through to and including Schedule “A-12”, which forms part of this By-law.
2. Any delegated authority is granted only to the officer or employee holding the corresponding officer or employee position listed under the “Delegate” column in Schedule “A” and includes any officer or employee holding that position on a permanent, temporary or acting basis. In addition, the delegation is also granted to the corresponding officer or employee’s direct supervisor, and each direct supervisor above that position in the corporate structure, up to and including the Chief Administrative Officer.
3. Where any delegation of authority to any officer or employee or their supervisor is not permissible at law, such as in the instance where a professional qualification or licence is required to exercise the authority, then the delegation is deemed not granted to that officer or employee or their supervisor but does not affect the delegation of any other officer or employee or their supervisor.

4. No further delegation of the authorities contained in this By-law is permitted without Council approval, either with respect to the authority and limits of the delegation or the persons to whom the delegation is sought.
5. Where a delegated authority involves the expenditure of funds and/or commitment of resources, the delegated authority must be exercised within the Council approved budget for that matter.
6. Where a delegated authority has a fixed dollar amount, the value is deemed to be exclusive of taxes.
7. Officers and employees with delegated authority under this By-law shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions.
8. If an officer or employee has a conflict of interest, as per the Employee Code of Conduct, related to a delegated authority, the officer or employee must not exercise their delegated authority and must report the conflict of interest to their supervisor.
9. This By-law does not diminish, restrict or reduce any authority delegated to any officer or employee by any other By-law, statute, regulation, or as otherwise provided at law.
10. In the event of any inconsistency between this By-law and any other By-law of the Municipality, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
11. By-laws 22-1998, 2-1999, 41-2019, 51-2019, 53-2019, 93-2019, 113-2019, 46-2020, 50-2020, 26-2021, 15-2022, 5-2023 and Policy FN-361 (Signing Authority Policy) are repealed.
12. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.
13. This By-law comes into force and effect upon passage.

Read and passed in open session on July 18, 2023.

**Mayor
Tracey Bailey**

**Clerk
Brianna Coughlin**

**Schedule “A-1”
to By-law 63-2023**

All Divisions

Description	Limitations	Delegate
Purchase of goods or services and execution of contracts or agreements relating to the purchase of goods or services	Authority to purchase/sign agreements as follows:	
	value up to \$6,500	Employees authorized by Corporate Leader
	value up to \$26,200	Corporate Leader
	value up to \$45,800	Corporate Leader and Purchasing Coordinator
	value up to \$98,200	Chief Administrative Officer
	value over \$98,200 requires Council resolution	Mayor and Clerk
Execution of Agreements which relate to renewals or amending agreements where the original agreement was approved by Council	Subject to review by Legal Services	Clerk and Corporate Leader of relevant department
Execution of Non-disclosure Agreements	Subject to review by Legal Services	Corporate Leader of relevant department
	In the case of technology agreements, in consultation with the Division Leader – Digital Transformation and Cloud Services	

Schedule “A-2” to By-law 63-2023

Chief Administrative Officer

Description	Limitations	Delegate
Hiring, termination and promotion of employees, including salary increases and offers of employment (Refer to CAO Authority By-law 62-2019)	<p>Division Leader – Workforce Development to be consulted in all cases of hiring, termination and promotion of employees</p> <p>Members of Corporate Leadership Team</p> <p>Division Leaders and Team Leaders</p> <p>All other employees</p>	<p>Chief Administrative Officer</p> <p>Corporate Leader of relevant department</p> <p>Division Leader</p>
Signing of Memorandum/Minutes of Settlement in labour relations contracts	Settlement value must be within approved budget set by Council or otherwise require Council's ratification	Municipality's bargaining team members
Labour grievances and Arbitrations subject to any other process or authority agreed upon in a binding Collective Agreement	<p>Authority to manage/settle where no financial implications</p> <p>Authority to manage/settle where there are financial implications:</p> <p>value up to \$25,000</p> <p>value up to \$100,000</p> <p>value up to \$250,000</p> <p>value over \$250,000</p>	<p>Division Leader – Workforce Development</p> <p>Division Leader – Workforce Development</p> <p>Corporate Leader of relevant department</p> <p>Chief Administrative Officer</p> <p>Council</p>

Description	Limitations	Delegate
Employment Severances	<p>Authority to manage/settle where no financial implications</p> <p>Authority to manage/settle where there are financial implications:</p> <p>value up to \$25,000</p> <p>value up to \$100,000</p> <p>value up to \$250,000</p> <p>value over \$250,000</p>	<p>Division Leader – Workforce Development</p> <p>Division Leader – Workforce Development</p> <p>Corporate Leader of relevant department</p> <p>Chief Administrative Officer</p> <p>Council</p>
Complaints by Employees to the Human Rights Commission or Tribunal	<p>Must consult with Legal Services</p> <p>Authority to manage/settle where no financial implications</p> <p>Authority to manage/settle where there are financial implications:</p> <p>value up to \$100,000</p> <p>value up to \$250,000</p> <p>value over \$250,000</p>	<p>Division Leader – Workforce Development</p> <p>Division Leader – Workforce Development</p> <p>Mayor and Chief Administrative Officer</p> <p>Council</p>

**Schedule “A-3”
to By-law 63-2023**

Community Planning

Description	Limitations	Delegate
Subdivision Agreements and Amendments and related instruments (i.e. Transfer of property/easements to satisfy conditions of agreement)	Review by Division Leader – Community Planning Review by Legal Services	Mayor and Clerk
Site Plan Agreements and Amendments	Review by Division Leader – Community Planning Review by Legal Services	Mayor and Clerk
Consent Severance Agreement	Review by Division Leader – Community Planning Review by Legal Services	Secretary of Committee of Adjustment and Treasurer
Consent Certificate	Review by Division Leader – Community Planning Review by Legal Services	Secretary of Committee of Adjustment and Treasurer
90-day Agreement – Minor Variance to have 2 dwellings on lot temporarily	Review by Division Leader – Community Planning Review by Legal Services Review by Building Services	Secretary of Committee of Adjustment and Treasurer
Execute Water, Sewer & Access Agreements as required by Committee of Adjustment	Review by Division Leader – Community Planning Review by Legal Services	Secretary of Committee of Adjustment and Treasurer
Return of Deposit for Planning Applications	In consultation with Division Leader – Accounting and Revenue Services	Team Leader – Development Approvals
Authorize or permit entry onto any municipal land or premises within the Growth & Sustainability portfolio for the purpose of field investigation,		Corporate Leader – Growth and Sustainability

study, survey or other collection of information, and execute instruments to enact such authorization or permission.		
--	--	--

**Schedule “A-4”
to By-law 63-2023**

Community Services

Description	Limitations	Delegate
Approval of the use of municipal facilities, such as parks and libraries, covered under Festival & Special Events Policy	Review by Legal Services	Mayor and Clerk
Execution of Service Agreements with City of Windsor (ie Pathways to Potential)	Review by Legal Services	Mayor and Clerk
Approval of donations of physical property and/or services associated with physical property donations	Asset review by Corporate Leader – Chief Financial Officer Agreement review by Legal Services	Mayor and Clerk
Execution of long-term or exclusive agreements with sports teams for municipal recreational facilities	Review and recommendation by Division Leader – Community Services Review by Legal Services	Mayor and Clerk
Recreational/Pool/Program Closures		Division Leader – Community Services

**Schedule “A-5”
to By-law 63-2023**

Council

Description	Limitations	Delegate
Letters of Support for Universal Broadband/Internet or Telecommunications Service and Long-term Care Homes Cannabis/Telecom Policies	Subject to policy statement or direction by Council, if any	Mayor
Execute employment contracts for the role of Chief Administrative Officer	Subject to selection of applicant by Council Review by Division Leader – Workforce Development and Legal Services	Mayor and Deputy Mayor

**Schedule “A-6”
to By-law 63-2023**

Digital Transformation and Cloud Services

Description	Limitations	Delegate
Execute agreements for the exchange or release of electronic data or software (such as GIS software)	Subject to review by Legal Services	Division Leader – Digital Transformation and Cloud Services
Service Provider Agreements	Subject to review by Legal Services	Division Leader – Digital Transformation and Cloud Services
Product or Service Proof of Concept/Demo Agreements	Subject to review by Legal Services	Division Leader – Digital Transformation and Cloud Services

**Schedule “A-7”
to By-law 63-2023**

Economic and Intergovernmental Affairs

Description	Limitations	Delegate
Non-Disturbance Agreements, non-binding letters of intent or memorandums of understanding (economic development/ business attraction)	Subject to review by Legal Services	Division Leader – Economic and Intergovernmental Affairs
Community Improvement Plan Financial Incentive Program Agreement	Subject to review by Legal Services	Division Leader – Economic and Intergovernmental Affairs Clerk

**Schedule “A-8”
to By-law 63-2023**

Finance

Description	Limitations	Delegate
Approve corporate financial administrative policies and any policy amendments	Policies affecting service levels to be approved by Council	Corporate Leader – Chief Financial Officer
Apply and execute applications and agreements for provincial and federal grant programs and non-profit organizations	a. Where funding is: (i) not required; (ii) is available within existing budgets; or (iii) funding has otherwise been approved by Council; and b. The grant funding would be used for (i) a Municipal program authorized by Council; or where the grant program relates to a new Municipal program, the CL-Finance makes application in consultation with the CAO and advises Council prior to the application or related agreement which does not bind the Municipality	Corporate Leader – Chief Financial Officer
	a. Where funding is: (i) not required; (ii) is available within existing budgets; or (iii) funding has otherwise been approved by Council; and b. The grant funding would be used for	Corporate Leader – Chief Financial Officer

Description	Limitations	Delegate
	<p>(i) a Municipal program authorized by Council; or</p> <p>(ii) Where the grant program relates to a new Municipal program, the CL-Finance makes application in consultation with the CAO and advises Council prior to the application or related agreement which binds the Municipality</p> <p>Subject to review by Legal Services</p>	
Grant applications for student employment, where students are approved in budgets	Subject to review by Chief Financial Officer	Division Leader – Workforce Development
Grant applications not in budget		Mayor and Clerk, unless otherwise dictated by Granting authority
Delayed payment plan agreements for monies owed to the Municipality	Value up to \$150,000	Corporate Leader – Chief Financial Officer
	Value over \$150,000	Corporate Leader – Chief Financial Officer and Mayor
Write off taxes in accordance with <i>Municipal Act, 2001</i> s.354		Corporate Leader – Chief Financial Officer
Cancel, reduce, refund or restore all or part of taxes levied on land in a year in which the Application is made, including holding the required hearing under the <i>Municipal Act, 2001</i>		Corporate Leader – Chief Financial Officer

Description	Limitations	Delegate
Increase the taxes levied on any land to the extent of any undercharge caused by a gross or manifest error, including holding the required hearing under the <i>Municipal Act, 2001</i>		Corporate Leader – Chief Financial Officer
Execute extension agreements, extending the period of time in which the cancellation price is to be paid after registration of the tax certificate		Corporate Leader – Chief Financial Officer
Reduce, waive or cancel late payment charges, penalties and interest on overdue tax accounts	Value less than \$2,500	Division Leader – Accounting and Revenue Services
Issuance of Tax Arrears Certificate and all applicable notices	Subject to review by Legal Services	Corporate Leader – Chief Financial Officer
Waive fees in extreme weather conditions		Corporate Leader – Chief Financial Officer
Ministry of Transportation Drain Cost Applications		Team Leader – Revenue Services
Sign cheques issued on behalf of the Municipality	Subject to budget and procurement policies	Mayor or Deputy Mayor and Corporate Leader – Chief Financial Officer

**Schedule “A-9”
to By-law 63-2023**

Fire Services

Description	Limitations	Delegate
Execution of Tiered Response Agreements, Radio Systems Agreements with EMS	Requires Council resolution/by-law	Mayor and Clerk
Approval of provision of Fire Personnel and Vehicles for parades or other non-emergency uses		Fire Chief

**Schedule “A-10”
to By-law 63-2023**

Legislative and Legal Services

Description	Limitations	Delegate
<p>Execute agreements of purchase and sale for the purchase or exchange of any interest in land, including easements, rights of first refusal, option agreements for:</p> <ul style="list-style-type: none"> a) Any approved capital project; b) Any requirement under a condition of approval imposed in connection with any application under the Planning Act; and <p>Provided that, in the case of any exchange of land in which the Municipality has an interest, it is completed in accordance with the Closing Sale and Disposition of Streets and Alleys Policy</p>	<p>Acquisitions of land or land interest are recommended by the applicable Corporate Leader and approved by Council.</p> <p>Agreements are reviewed by Legal Services</p> <p>When applicable, review and approval by the Technical Advisory Committee</p>	<p>Mayor and Clerk</p>
<p>Approve transfers, EREG acknowledgements and directions, certificates, undertakings, declarations and related documentation for real property transactions and as required to register easements, transfers, restrictions, by-laws, orders, liens and other documents and interest in land, on which the Municipality has an interest and register same on title</p>		<p>Corporate Leader – General Counsel</p>
<p>Approve and execute agreements to extend closing dates of real estate transactions</p>		<p>Corporate Leader – General Counsel</p>

Description	Limitations	Delegate
Approve and execute encroachment agreements onto Municipal land, including public highways		Corporate Leader – General Counsel
Execute permits and agreements with government agencies for entering upon a government agency's land for the purpose of constructing, working, travelling through, under or over the land, and building or constructing a municipal asset on the government agency's land, including preparing, maintaining, repairing, removing or otherwise working on the land for the placement of the asset or the asset itself	<p>For the furtherance of an approved Municipality project</p> <p>May provide for non-competitive purchasing by the Municipality in consultation with the Corporate Leader – Chief Financial Officer and Legal Services</p>	Clerk and relevant Corporate Leader
Execute licence/lease agreements, including the assignment and sub-licensing/leasing of Municipal land	Reviewed and recommended by the applicable Division Leader or Corporate Leader and approved by Council resolution.	Corporate Leader – General Counsel and Clerk
Execute authorizations, Acknowledgements and Directions, or other agreements required for discharge of easements, agreements, liens, cautions or other documents to which the Municipality is a party and is registered on title to property either owned by the Municipality or privately held	<p>Reviewed by the applicable Division Leader or Corporate Leader and provided no financial obligation required of the Municipality.</p> <p>Internal Memo circulated by all departments to approve release.</p>	Corporate Leader – General Counsel and Clerk
Execute authorizations, directions or agreements to register/remove ratings or similar by-laws	Review and approval by Team Leader - Revenue Services or other Division Leader of relevant department	Corporate Leader – General Counsel

Description	Limitations	Delegate
Execute instruments (and related documents) to permit, consent, agree or authorize correction of real property title issues where Municipality is not adversely affected.	Documents to be reviewed by Corporate Leader – General Counsel	Mayor and Clerk
Register Part Lot Control Exemption By-laws, pursuant to s. 50(7) of the <i>Planning Act</i> or extension(s) of same	Applications are subject to County approval and Council resolution required for initial registration. Council resolution only required for extensions.	Corporate Leader – General Counsel
Execute cost-sharing agreements between the Municipality and property owners	Approved by Council resolution. Reviewed by Corporate Leader – Growth and Sustainability and Corporate Leader – General Counsel	Mayor and Clerk
Certification of land title applications for developers which typically involve the Municipality as an adjoining owner (ie. Public highways)	Recommended and reviewed by Corporate Leader – General Counsel	Mayor and Clerk
Execute Development Charges Payment Agreements and related amendments/agreements for payment deferrals	Approved by Council resolution Review by Legal Services	Mayor and Clerk
Accept service of Statements of Claim or documents commencing proceedings including, but not limited to Notices of Appeal, Plaintiffs Claims	In accordance with R.R.O. 1990, Reg. 194: Rules of Civil Procedure and Municipal policy	Clerk, Deputy Clerk, Corporate Leader – General Counsel or Mayor
Manage insured claims, both self and third party insured, and settle on terms which are not the subject of litigation	Only up to \$100,000 inclusive of costs and interest	Corporate Leader – General Counsel

Description	Limitations	Delegate
Manage insured claims, both self and third party insured, and settle on terms which are not the subject of litigation	Council resolution required in excess of \$100,000 inclusive of costs and interest	Chief Administrative Officer and Corporate Leader – General Counsel
Commence/defend any action or legal proceeding on behalf of the Municipality at any Court, Commission, Tribunal, Board, Hearing or Arbitration, subject to the authority of insurance companies pursuant to insurance policies	Financial Settlement Authority: value up to \$75,000 value up to \$250,000 value over \$250,000	Corporate Leader – General Counsel Mayor and Chief Administrative Officer Council
Execute retainer agreements for external counsel or any expert, professional or other person to assist in actual or potential action or legal proceeding, or the acquisition or disposition of any municipal property or land	Council resolution	Corporate Leader – General Counsel
Bring claims, applications, motions and undertake execution procedures for the collection of all debts, accounts and judgements owed to the Municipality	Prepared by Corporate Leader – Chief Financial Officer	Corporate Leader – General Counsel
Execution of receipts, releases, indemnities, minutes of settlement and other documents required for the settlement or compromise of any claim, demand, action or other proceeding brought or made by or against the Municipality	Council resolution required for monetary values exceeding \$100,000	Corporate Leader – General Counsel

Description	Limitations	Delegate
Bring applications and post security for the removal of liens registered against municipal property		Corporate Leader – General Counsel
Execute agreements for the exchange or release of information which comply with the requirements of the <i>Municipal Freedom of Information and Protection Privacy Act</i>	Reviewed and recommended by Clerk	Corporate Leader – General Counsel
Release of privileged information to Municipality's financial auditor	Disclose only information sufficient to ensure performance of audit/subject to a written contract between auditor and Municipality requiring the release of such information and under written request from the auditor	Corporate Leader – General Counsel
Disclosure of closed meeting minutes and resolutions as required by the Municipality's auditor, closed meeting investigator and/or Integrity Commissioner	<p>Requesting authority must be requesting documents pursuant to statutory authority</p> <p>Disclose only information necessary to satisfy the need (*Privileged information subject to Privileged Information Procedures)</p>	Clerk
Execute Polling Station agreements (with Elections Canada/Elections Ontario) for use of municipal facilities	Review by Legal Services	Clerk
Execute agreements required for the procurement/lease of election equipment	Review by Legal Services	Clerk

Description	Limitations	Delegate
Approve the use of the name “Lakeshore” in an application by a corporation	Consent by the Municipality is a routine requirement for filing with the Ministry upon incorporation or name changes involving the use of the name “Lakeshore”	Corporate Leader – General Counsel
Authority to make minor corrections to By-laws. Limited to non-material matters such as numbering of by-laws, spelling, etc		Clerk
Community festival liquor licence applications (designations of municipally significant events or letters of non-objection)	Administration will be guided by the Application Procedure for Festivals and Special Events and subject to Committee approval	Clerk
Authorize a forensic audit of Municipal information technology resources, such as employee emails, files, etc.	Requires review and recommendation by Corporate Leader – General Counsel	Chief Administrative Officer
Inter-municipal agreements (such as Court Services)		Mayor and Clerk

**Schedule “A-11”
to By-law 63-2023**

Operations

Description	Limitations	Delegate
Authority to temporarily close streets for a maximum of 30 days		Corporate Leader - Operations
Approval of parades and parade routes	In consultation with Fire Services and Festival and Events Committee	Division Leader – Public Works
Execution of encroachment agreements (temporary/permanent) where the encroachment has existed for a minimum of 10 years and has no impact on current/future use of right-of-way	Review and recommendation by Corporate Leader - Operations Review by Legal Services	Mayor and Clerk
Acquisition of lands for street widenings or other street works	Requires Council resolution Review and recommendation by Corporate Leader - Operations Review by Legal Services	Mayor and Clerk
Authority to designate fire routes	In consultation with Fire Services	Corporate Leader - Operations
Execution of Agreements with railways regarding crossings	Requires Council resolution Review and recommendation by Corporate Leader – Operations Review by Legal Services	Mayor and Clerk

Description	Limitations	Delegate
Execution of Utility Franchise Agreements and Road User Agreements	Review and recommendation by Corporate Leader - Operations Review by Legal Services	Mayor and Clerk
Ministry applications and Consolidated Linear Infrastructure applications/approvals		Corporate Leader - Operations
Authorize or permit entry onto any municipal lands or premises within the Operations portfolio for the purpose of field investigation, study, survey or other collection of information, and execute instruments to enact such authorization or permission		Corporate Leader - Operations
Issue a statement or comment where requested by a third party as part of a requirement in the third party's application for environmental approval by a government entity		Corporate Leader - Operations
Working in the Ministry of Transportation right of way and VIA rail lands for drainage works (each project must have VIA approval and a flagman is requested)	Review by Legal Services if Tribunal matter	Drainage Superintendent
Applications to federal or provincial permits, conservation authority permits for municipal works		Corporate Leader - Operations
Driveway permits and entrance permits		Division Leader – Public Works
Execution of Memorial Tree and Bench Policy		Division Leader – Public Works

Schedule “A-12” to By-law 63-2023

Workforce Development

Description	Limitations	Delegate
Execution of Employment contracts	Subject to review by Legal Services	Division Leader – Workforce Development
Approval of Job Descriptions for all municipal positions	Review and approval by Corporate Leadership Team	Division Leader – Workforce Development
Approval of Corporate Employee Policies	Subject to review by Policy Review Committee	Division Leader – Workforce Development and Chief Administrative Officer
Co-op or Internship program applications from the education institution in order to place students in co-op or internship placements with the Municipality	Subject to approved budget	Division Leader – Workforce Development
Execution of Co-op Education and Internship Agreements	Subject to review by Legal Services	Division Leader – Workforce Development
Wage subsidy applications	Subject to budget approvals of head count Subject to the funding available through the Federal and Provincial wage subsidy programs	Workforce Advisor
Training subsidy applications for employees and new hires	Subject to budget approvals of head count	Workforce Advisor
HR Downloads Annual Review	Subject to budget approval	Division Leader – Workforce Development
VFIS Annual Renewal for VFFs insurance	Subject to budget approval and periodic tender to market to measure competitiveness of coverage and/ or provider rates	Division Leader – Workforce Development
Annual Renewal for Greenshield and Sunlife	Subject to budget approval, subject to changes through	Division Leader – Workforce Development

Description	Limitations	Delegate
and employee benefit and assistance programs	collective bargaining for unionized positions, subject to tendering in market through the Regional buying group	
WSIB forms	Form completed by Division Leader of relevant division	Workforce Advisor
Sunlife or Greenshield forms		Workforce Advisor
Employment Letters (proof of employment)		Workforce Advisor
Temporary Employment Agency Agreements	Subject to review by Legal Services	Division Leader – Workforce Development
Safety Group registration and documentation approvals	Subject to corporate support for initiative and Joint Health and Safety Committee participation	Workforce Advisor
Tuition reimbursement	Subject to employee consent and approval by Division Leader and Corporate Leader	Division Leader – Workforce Development
Ministry of Labour orders, compliance or fines	Subject to review by Legal Services	Division Leader – Workforce Development