

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Legislative & Legal Services**

#### **Legislative Services**



**To:** Mayor & Members of Council

**From:** Kristen Newman, Director of Legislative & Legal Services  
Nelson Cavacas, Director of Engineering & Infrastructure Services

**Date:** June 1, 2020

**Subject:** Governmental Permits and Works Delegated Authority

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#### **Recommendation**

Direct the Director of Legislative & Legal Services to present draft By-law 46-2020, for reading at the next Council meeting, in accordance with the report entitled, Governmental Permits and Work Delegated Authority, presented at the June 9, 2020 Council meeting.

#### **Background**

On occasion the Town is required to enter into agreements with other levels of government, government agencies, public utilities, or railways ("Property Owners") to allow the Town (or residents of the Town) to use the property for its purposes. For example, the Town enters into agreements with the Province of Ontario to ensure the existence of a municipal sidewalk in the Highway 77 corridor through Comber.

The Town may desire to do work or have works executed on its behalf in the permitted areas. For example, the Town is implementing plans to extend the sidewalks at a couple of locations along the Highway 77 corridor in Comber in addition to the sidewalk lifecycle replacements. The Province wishes to do the sidewalk replacement/extension as part of its overall construction project when repaving the road and will follow its procurement practices accordingly. It is common for Property Owners in these situations to require that the construction activities be performed by its preferred vendor instead of the Town procuring the construction project on its own. Examples of such draft agreements are attached as Appendix A to this report.

#### **Comments**

Administration has prepared a draft delegation by-law (attached as Appendix "B" to this report) which authorizes the Department Head and Clerk to enter into permits or similar

types of agreements required for Town purposes. This authority may only be exercised if the agreement is intended to further an authorized Town activity or program and, where there is a financial implication, for which the financing has been approved by Council in the budget.

This by-law also delegates authority for the Department Head and Clerk to execute agreements of this nature that require the Town to agree to works that will be procured by a Property Owner. Such authority may only be exercised where the funds for the works have been approved by Council through the Town budget.

It is important to note that in circumstances such as these, the procurement of the works will not proceed in accordance with the Town's Purchasing By-law which typically requires that a competitive procurement process occur. That is not to say that the procurement of the works will not be conducted in a competitive manner by the Property Owner; the Province has its own rules relating to fair procurement. However, the procurement will not be conducted in accordance with the Town's purchasing rules because the Town is not doing the purchasing. With that said, where possible, the Town will request that the agreement include that the works be procured in a competitive manner.

A delegation by-law of this nature will expedite Town projects by eliminating the need for additional Council reports and by-laws for arrangements where Council has otherwise approved the project (typically through the budget). It will also ensure that regular operational activities can occur, for example, entering into agreements with railways to conduct routine maintenance work.

Two draft contracts of the nature that would be executed under the authority of this delegation by-law are attached to this report. These draft contracts set out proposed agreements between the Town for sidewalk replacement and street lights in the Highway 77 corridor in Comber. The funds for these projects were both approved in the 2020 budget.

### **Others Consulted**

Ministry of Transportation

### **Financial Impacts**

There are no specific financial implications associated with the passage of this by-law. Funding for the Highway 77 illumination and sidewalk agreements that will be executed under the authority of the delegation by-law will be funded from the 2020 budget; as will other expenses associated with agreements executed pursuant to this by-law in the future.

**Attachment(s):** Appendix “A” – Highway 77 Corridor Illumination and Sidewalk Agreements

Appendix “B” – Draft By-law 46-2020

**Report Approval Details**

Document Title:	Governmental Permits and Works Delegated Authority and Approval.docx
Attachments:	- 46-2020-Delegation-GovernmentalPermitsandSingleSourcing.docx - AppendixA-GWP 3072-12-00 Lakeshore Illumination Agreement 2020.pdf - AppendixA-GWP 3072-12-00 Lakeshore Sidewalk Agreement 2020.pdf
Final Approval Date:	Jun 3, 2020

This report and all of its attachments were approved and signed as outlined below:

Nelson Cavacas

Rosanna Pellerito

Truper McBride