

Appendix “B”

The Corporation of the Town of Lakeshore

By-law 46-2020

Being a By-Law to Delegate Authority regarding Governmental Permits and Procurement of Works

Whereas section 9 of the *Municipal Act, 2001*, S.O. 1990, c. 25, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

And whereas, subsection 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality’s capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

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

And whereas, the Town’s Purchasing By-Law, By-law No. 58-2010 requires that the Town purchase goods and services in a competitive manner but for in certain circumstances described by that by-law;

And whereas, the Town may need to apply for or enter into permitting arrangements or agreements in order for municipal assets to be constructed, built, or otherwise placed on the property owned by other governments, governmental agencies, public utilities or railways;

And whereas, the Town may be required to use the service or goods providers of the Government Agency or procured by and authorized by the Government Agency to work on the Government Agency’s property;

Now therefore, the Council of The Corporation of the Town of Lakeshore enacts as follows:

1. In this by-law:

“Clerk” means the municipal clerk for the Town appointed pursuant to the *Municipal Act, 2001*;

“Council” means the municipal council for the Town;

“Department Head” means the person employed by the most senior member of Town Administration, other than the Chief Administrative Officer, having responsibility for the matter forming the subject of the permit or agreement;

“Purchasing Limit” means a maximum authorized limit for expenditure as specified in the Purchasing By-law;

“Government Agency” means the following:

- (a) Government of Canada and any ministry, department, agency or board thereof;
- (b) Government of Ontario and any ministry, department, agency or board thereof;
- (c) A municipality created or continued pursuant to the *Municipal Act, 2001*; and,

(d) A railway;

“Town” means The Corporation of the Town of Lakeshore; and,

“Treasurer” means the municipal treasurer for the Town appointed pursuant to the *Municipal Act, 2001*.

2. The Department Head and the Clerk are jointly delegated the authority to execute permits and agreements with Government Agencies for the purpose of the following in furtherance of an approved Town project or activity approved by Council:
 - a. Entering upon a Government Agency’s land for the purpose of constructing, working, travelling through, under or over the land; and
 - b. Building, constructing, a municipal asset on the Government Agency’s land, which shall include preparation, maintaining, repairing, removing or otherwise working on the land for the placement of the asset or the asset itself.
3. (1) The Department Head and Clerk, in consultation with the Treasurer, are jointly delegated the authority to execute permits and agreements with Government Agencies as described in section 2 that provide for non-competitive purchasing by the Town, including non-competitive purchases that may be prohibited by the Purchasing By-law, where the purchase is:
 - a. Approved by Council in the Town budget; and,
 - b. Within the Department Head’s Purchasing Limits.

(2) Purchases authorized in subsection (1) are deemed to be approved by Council.
4. The delegated authorities and approvals described in sections 2 and 3 include the authority to execute any related amendments or agreements in furtherance of the original permit or agreement.
5. In the event of a conflict between this by-law and another Town by-law, the more specific by-law prevails.
6. 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.
7. This by-law shall come into force and effect upon passage.

Read and passed in open session on June 23, 2020

Tom Bain
Mayor

Kristen Newman
Clerk