



Bylaw No. 2024-011

"A bylaw to adopt a policy respecting the delegation of powers and duties in the Municipality of West Grey."

Originally Passed and Enacted February 6, 2024

Amended by By-law:	Passed On:
2024-070	August 13, 2024

Consolidated Version

Revised and Verified August 14, 2024

Consolidated for Convenience Only

This is a consolidation copy of a Municipality of West Grey bylaw for convenience and information. While every effort is made to ensure the accuracies of these bylaws, they are not official versions or legal documents. The original bylaws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of bylaws please contact the Clerk's Department.

The Corporation of the Municipality of West Grey Bylaw No. 2024-011

A bylaw to adopt a policy respecting the delegation of powers and duties in the Municipality of West Grey.

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

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

WHEREAS the council of the Corporation of the Municipality of West Grey (the “municipality”) has passed various bylaws delegating the powers and duties of the municipality; and

WHEREAS on January 16, 2024, the council of the Corporation of the Municipality of West Grey passed resolution R-240116-013 directing staff to bring forward a bylaw to enact a new delegation of powers and duties bylaw; and

WHEREAS on January 23, 2024, public notice was given respecting the intention to pass a bylaw to adopt a policy respecting the delegation of powers and duties in the Municipality of West Grey in accordance with Notice Bylaw No. 2023- 020;

NOW THEREFORE be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

Part I. Short Title, Purpose, and Scope

Short Title

1. This bylaw shall be known as the “Delegation of Powers and Duties Bylaw”.

Purpose

2. This bylaw has been enacted to:
 - a. establish a policy respecting the delegation of powers and duties, and
 - b. acknowledge existing powers and duties of the municipality which have been delegated.

Scope

3. This bylaw shall apply to all municipal staff or persons acting on behalf of the municipality.
4. This bylaw does not apply to powers and duties provided to officers of the municipality under the *Municipal Act, 2001* or any other Act.

Part II. Interpretation

Headings

5. The division of this bylaw into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the bylaw.

References to Applicable Law

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

Definitions

7. For the purposes of this bylaw:

“CAO” means the Chief Administrative Officer of the Corporation of the Municipality of West Grey;

“Clerk” means the Director of Legislative Services/Clerk, whose duties are assigned under subsection 228 (1) of the *Municipal Act, 2001*, and includes the deputy clerk or any deputy acting under the direction of the clerk;

“Council” means the council of the Corporation of the Municipality of West Grey;

“Delegate” means an officer, employee, agent, or body which has been delegated powers or duties;

“Legislative Powers” means all matters where council acts in a legislative or quasi-judicial function including enacting bylaws, setting policies, and exercising decision-making authority;

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

“Municipality” means the Corporation of the Municipality of West Grey

“*Planning Act*” means the *Planning Act*, RSO 1990, c P.13.

Part III. Delegation

Delegation of Powers and Duties

8. All powers and duties of council shall remain with council unless a power or duty has been expressly delegated by bylaw.
9. Within each row of schedule ‘A’ which is attached to and forms part of this bylaw, council acknowledges the delegated powers and duties described in the “Delegated Powers and Duties” column to the officers, employees, agents, or bodies listed in the “Delegate” column subject to the conditions, limits, procedures, or notice requirements, if any, listed in the “Delegation Limits” column.
10. Where council delegates a power or duty to an officer or employee of the municipality, the delegation also applies to a person appointed by the Chief Administrative Officer or the delegate to act in the capacity of the delegate from time to time.

Rules Respecting Delegation

11. The following rules apply to all powers or duties delegated by council:
 - a. Council may, by bylaw, 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. All delegations are subject to any conditions and limits council considers appropriate, which may include matters such as:
 - i. a requirement that the delegate act by bylaw, resolution, or otherwise;
 - ii. procedures that the delegate is required to follow; and
 - iii. the accountability of the delegate and the transparency of the delegate’s actions and decisions;
 - 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.

Legislative Powers

12. Council hereby deems all legislative powers delegated by this bylaw to be minor in nature having regard to:
 - a. Subsection 23.2 (4) of the *Municipal Act, 2001*; and
 - b. The number of people, the geographic size, and the time period affected by an exercise of the power.

Powers that Cannot be Delegated

13. Council shall not delegate the following powers or duties, in accordance with the limits set out in subsection 23.3 (1) of the *Municipal Act, 2001*:
 - a. To appoint or remove from office an officer of the municipality whose appointment is required by the *Municipal Act, 2001*;
 - b. To pass a bylaw under Parts VIII, IX, and X of the *Municipal Act, 2001*;
 - c. To incorporate corporations in accordance with section 203 of the *Municipal Act, 2001*;
 - d. To adopt an official plan or an amendment to an official plan under the *Planning Act*;
 - e. To pass a zoning bylaw under the *Planning Act*;
 - f. To pass a bylaw under subsections 108 (1) and (2), and 110 (3), (6), and (7) of the *Municipal Act*;
 - g. To adopt a community improvement plan under section 28 of the *Planning Act*, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of the *Municipal Act, 2001*;
 - h. To adopt or amend the municipal budget; or
 - i. Any other power or duty that may be prescribed.

Part IV. Conflict and Transition

Conflict

14. In the event the provisions of this bylaw are inconsistent with the provisions of another bylaw, the provisions of this bylaw shall prevail.
15. In the event the provisions of this bylaw are inconsistent with the provisions of the *Municipal Act, 2001*, its Regulations, or any other Act, the provisions of the Act or Regulation shall prevail.

Terms Severable

16. The terms and provisions of this bylaw shall be severable should and term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative, or invalid, the remained of the bylaw shall continue to be in full force and effect.

Repeal

- 17. Bylaws 102-2022, 27-2022, 92-2019, 45-2011 and any other bylaws enacted by the municipality that are inconsistent with the terms of this bylaw are hereby repealed.

Enactment

- 18. This bylaw shall come into full force and effect on the date it is passed, at which time all bylaws, policies and resolutions that are inconsistent with the provisions of this bylaw are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this bylaw.

Read a first, second and third time and finally passed this 6th day of February, 2024.

Original signed

Mayor Kevin Eccles

Original signed

Jamie M. Eckenswiller, Clerk

Schedule 'A' to Bylaw No. 2024-011

Administrative and Legislative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
General Management and Administration		
1. Powers and duties as the senior administrative official	CAO	Set out in the employment agreement and job description.
2. Hiring of employees	CAO	In accordance with West Grey's personnel policy
3. Execute agreements and other documents related to the general control and management of the affairs of the municipality for the purpose of ensuring its efficient and effective operation in the exercise of authority under section 229 of the Municipal Act.	CAO	None.
4. Develop, approve, implement, vary, or rescind administrative policies, procedures and practices in the exercise of authority under section 229 of the Municipal Act.	CAO	None.
5. Disposition of any real or personal property of the municipality that has a value exceeding \$50,000 at the time of disposal	CAO and Director of Finance/Treasurer to act jointly	Only if lame duck provision applies, as determined by the Clerk, between Nomination Day and the beginning of the term of office. Report to be provided to council to advise of the action(s) taken.
6. Authority to execute, amend, or terminate concession stand lease agreements	CAO	Term of lease may not exceed one year.

<p>7. Authority to execute, amend, or terminate temporary lease agreements for refreshment vehicles operating on municipally owned property.</p>	<p>CAO</p>	<p>Term of lease may not exceed one year.</p> <p>Vendors operating on municipally owned property for municipal events are not required to enter into lease agreements.</p>
<p>8. Making expenditures or incurring any other liability that exceeds \$50,000</p>	<p>CAO and Director of Finance/Treasurer to act jointly</p>	<p>Only if lame duck provision applies, as determined by the Clerk, between Nomination Day and the beginning of the term of office. Report to be provided to council to advise of the action(s) taken.</p>
<p>Clerks Office</p>		
<p>9. Authority to designate events as 'municipally significant' as required by the Alcohol and Gaming Commission of Ontario (AGCO) to permit the sale and service of beverage alcohol at such events.</p>	<p>Clerk</p>	<p>Applicants must adhere to relevant municipal policies and meet all insurance and risk management requirements.</p> <p>Applicants must submit a drawing clearly indicating the proposed permit area.</p> <p>Where an application has been denied, the applicant may request that the decision be reviewed by Council.</p>
<p>10. Authority to approve a temporary outdoor physical extension (temporary patios) to a liquor licence as required by the AGCO</p>	<p>CAO Clerk Director of Infrastructure and Development</p>	<p>In consultation with other municipal departments.</p> <p>Applicant must provide sketch of area to be temporarily licenced.</p>
<p>11. Issue kennel and breeding/boarding establishment licences</p>	<p>Clerk</p>	<p>New licence approvals subject to the passage of a zoning bylaw amendment. Renewal licences may be issued subject to no complaints being received</p>
<p>12. Authority to issue lottery licences</p>	<p>Clerk</p>	<p>Compliance with all applicable AGCO Regulations</p>

<p>13. To designate the mayor as the “head” for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) pursuant to subsection 3(1) of MFIPPA.</p>	<p>Mayor</p>	<p>Exercise of authority pursuant to MFIPPA.</p> <p>Decisions of the “head” are appealable to the Information and Privacy Commissioner of Ontario.</p>
<p>14. Authority to act as the head of the municipality under the Ombudsman Act, as amended.</p>	<p>Clerk or a person whom the Clerk has delegated this power to under subsection 228(2) and/or (4) of the <i>Municipal Act</i>.</p>	<p>All reporting and interactions between the municipality and the Ombudsman’s Office will be done in a way that maintains the confidentiality of complainants while contributing to additional transparency in respect of these interactions.</p>
<p>15. Authority to appoint members to the Grey County Joint Compliance Audit Committee (GCJCAC), and review and revise the Terms of Reference throughout the term of the Committee in accordance and in consultation with other participating municipalities.</p>	<p>Clerk</p>	<p>Section 88.37 of the <i>Municipal Elections Act, 1996</i>, as amended, requires that a council or local board shall establish a Municipal Election Compliance Audit Committee before October 1 of an election year.</p>
<p>16. Authority to execute any such documents or ancillary agreements as the Clerk may deem necessary to conduct an election.</p>	<p>Clerk</p>	<p>None.</p>

17. Authority to bring forward bylaws for the correction of clerical and minor errors	Clerk	The clerk is authorized to correct clerical, spelling, or minor errors of an administrative nature in bylaws of the municipality by placing the appropriate amending bylaw directly on the agenda of council for enactment.
Infrastructure, Development, and Public Works		
18. Authority to enter into vendor distribution agreements for the sale of West Grey garbage bag tags.	Clerk and Manager of Public Works to act jointly.	None.
19. Authority to issue sign permits.	Director of Infrastructure and Development	Not including on municipal roads.
20. Authority to enter into agreements for signage on municipal roads.	Director of Infrastructure and Development Manager of Public Works	None.
21. Authority to enter into temporary use agreements (locate trailer while building a house).	Director of Infrastructure and Development	Agreement administered in accordance with West Grey's trailer licencing bylaw.
22. Authority to issue entrance permits.	Manager of Public Works	Excludes industrial entrance permits.
23. Authority to enter into water service agreements.	Director of Infrastructure and Development Manager of Public Works	None.
24. Authority to execute adopt-a-road agreements.	Manager of Public Works	None.

<p>25. Authority to approve temporary road closures necessitated by construction, routine operations, rehabilitation, maintenance and repairs.</p>	<p>Manager of Public Works</p>	<p>The delegate must ensure that the closure has been coordinated with the appropriate municipal departments and community partners.</p> <p>Any temporary traffic control measures put in place must be as brief in duration as reasonably possible and be designed to minimally impair community and municipal operations.</p> <p>All temporary road closures are to be consistent with the requirements set out in Book 7 of the Ontario Traffic Manual, including provisions related to community notice, and appropriate signage.</p>
<p>26. Authority to approve temporary road closures for special events.</p>	<p>Manager of Public Works</p>	<p>The delegate must ensure that the closure has been coordinated with the appropriate municipal departments and community partners.</p> <p>Any temporary traffic control measures put in place must be as brief in duration as reasonably possible and be designed to minimally impair community and municipal operations.</p>
<p>27. Authority to grant minor variances under the <i>Planning Act</i> (s. 45(3)) and consents under the <i>Planning Act</i> (s. 54(2))</p>	<p>Committee of Adjustment</p>	
<p>27.1. Authority to deem a planning application complete or incomplete and to notify an applicant that a development application is complete or incomplete in accordance with</p>	<p>Chief Building Official Planner</p>	<p>None.</p>

subsection 22(6.1), 34(10.4) and 51(19.1) of the Planning Act.		
27.2. Commenting authority for planning notices	Chief Building Official Planner	None.
27.3. Signing authority for site plan agreements	Clerk or CAO and Chief Building Official or Planner acting jointly.	Set out in Bylaw 2024-021
27.4. Authority to change the conditions of a provisional consent under section 54(2) of the Planning Act	Secretary Treasurer - Committee of Adjustment	Change shall not materially impact the approval.
27.5. Authority to issue a validation certificate under section 57 of the Planning Act where the application meets the requirements of the Planning Act	Secretary Treasurer - Committee of Adjustment	Limits set in section 57 of the <i>Planning Act</i>
27.6. Authority to issue a cancellation certificate under section 53(45) of the <i>Planning Act</i> where the application meets the requirements of the <i>Planning Act</i> .	Secretary Treasurer - Committee of Adjustment	Limits set in section 53 of the <i>Planning Act</i>

27.7. Signing authority for subdivision and condominium agreements	Director of Infrastructure and Public Works and Chief Building Official, acting jointly.	Planning Act, Sec. 51(26). Only where an agreement is required to satisfy a condition of approval. Council may direct that an agreement come forward for authorization by the Mayor and Clerk through resolution.
27.8. Signing authority for pre-servicing agreement prior to the execution of a subdivision and/or condominium agreement.	Director of Infrastructure and Public Works	None.
27.9. Signing authority for limited service/non-service agreements.	Director of Infrastructure and Public Works and Chief Building Official, acting jointly.	None.
27.10. Signing authority for consent and/or minor variance Agreements	Chief Building Official and Planner, acting jointly.	Planning Act, Sec. 45(9.1) and Sec. 53(12). Only where an agreement is required to satisfy a condition of approval imposed by the Committee of Adjustment.
27.11. Authority to grant an extension of any development agreement.	Chief Building Official Planner	Extension limited to a period not to exceed five (5) years.
27.12. Authority to modify any development agreement where the agreement is not being altered in a significant or material manner.	Chief Building Official Planner	Change shall not materially impact the agreement.

27.13. Authority to deem agreements fulfilled, release conditions within an agreement, or delete from title where conditions have been fulfilled or the agreement is no longer required.	Director of relevant department	None.
27.14. Authority to grant a release or abandonment of easements or reserves owned by the municipality over lands where those easements or reserves are no longer required for municipal purposes.	Director of Infrastructure and Public Works and Chief Building Official, acting jointly.	None.
27.15. Authority to approve applications for deeming.	Chief Building Official Planner	Upon approval, the implementing bylaw will be placed on a council agenda for enactment. Delegate is not empowered to refuse applications. Where the planner is not supportive of the application, a report will be presented to council for final determination
27.16. Authority to approve applications for exemptions to part lot control.	Chief Building Official Planner	Upon approval, the implementing bylaw will be placed on a council agenda for enactment. Delegate is not empowered to refuse applications. Where the planner is not supportive of the application, a report will be presented to council for final determination
Finance		
28. Authority to approve the tax apportionments, write-offs and increases under sections 356,357, 358 and 359 of the Municipal Act.	Director of Finance/Treasurer The Assessment Review Board for the purpose of applications under section 357(1)(d.1) of the <i>Municipal Act</i> .	All write-offs have been reviewed and approved by MPAC. Allowances for write-offs are within the total amount approved for net supplementary and write-off taxation revenue as part of the annual operating budget. Applicants have 35 days within which to appeal any section 357 decisions to

		the Assessment Review Board (ARB).
29. Authority to represent, negotiate settlement agreements and legally bind the municipality in relation to appeals before the ARB.	Director of Finance/Treasurer Deputy Treasurer/Tax Collector	All appeals are subject to the Assessment Review Board (ARB) Rules of Practice and Procedure. Allowance for appeal write-offs must be within the total amount approved for net supplemental taxes and write-offs as part of the annual operating budget.