

# Municipality of Casselman

## By-law #2023-47

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

Whereas a municipality is authorized to delegate its powers and duties under section 23.1 of the Municipal Act, 2001, S.O. 2001, c.25, subject to restrictions set out in Part II of the Act;

And Whereas section 270 (1) 6. Imposes to municipalities to adopt and maintain a policy with respect to the delegation of its powers and duties.

Therefore, the Council of the Municipality of Casselman enacts as follows:

### Section 1

That this By-Law be referred as the “Delegation of Authority By-Law”.

### Section 2

That staff of the Municipality of Casselman are hereby delegated the powers and duties as set out in Schedule A of this By-Law.

### Section 3

That in the event of conflict or discrepancy between this and any other by-law, this by-law shall prevail.

### Section 4

That By-Laws 2017-080 is hereby repealed.

### Section 5

That this By-Law is effective on the date of its passage

Read, passed and adopted in open council this 24<sup>th</sup> of October 2023.

Geneviève Lajoie, Mayor

Mélodie Sorrell, Clerk

### Schedule A – By-Law 2023-47

	Delegate Authority	Delegated To	Relevant Legislation	Rationale
1	<p>Execute agreement of purchase and sale and all deeds, transfers and other documents required to effect the registration of documents for the acquisition, purchase, sale or exchange of any interest in land including, without limitation, easements, rights of first refusal, that have already / previously been approved by Council.</p> <p>Applications on behalf of the Municipality for entry or removal of a notice or caution of any kind, an inhibiting order, depositing a reference plan or similar registration of any kind in the Land Registry Office in relation to a project that has already / previously been approved by Council.</p>	<p>Mayor and Clerk or Designate</p> <p>The sole signature of the Clerk is sufficient for schedules of agreements that have already / previously been approved by Council.</p>	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	<p>Authority includes supplemental or auxiliary documents under the <i>Land Registration Reform Act</i> for any documents that have already / previously been approved by the Municipality.</p> <p>Following a legal review and on the recommendation of legal counsel.</p>
2	<p>Execute agreements and other documents related to the general control and management of the affairs of the Municipality.</p>	<p>Chief Administrative Officer or Designate</p>	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 229 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	<p>Subject to compliance with the Procurement By-Law.</p>
3	<p>Establish and amend internal administrative directives, policies, protocols and procedures, including but not limited to, general administration, human resources, finances and operation.</p>	<p>Chief Administrative Officer or Designate</p>	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 229 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	<p>To ensure efficient and effective operation of the Municipality as a whole.</p>

	<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislation</b>	<b>Rationale</b>
4	Provide job offers according to the interview process of the hiring committees and determine the contractual terms and conditions.	Chief Administrative Officer or Designate	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 270 (1) 2. of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 229 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	<p>To ensure efficient and effective operation of the Municipality as a whole.</p> <p>Subject to the Hiring Policy, Employee Policy Manual, Provincial Statutes and the annual Budget.</p>
5	<p>When the Restricted Act Sections in the <i>Municipal Act</i> applies ("Lame Duck" Council) after nomination day of an election year, authority shall be granted to the Chief Administrative Officer to:</p> <p>Appoint or remove from office any officer of the municipality provided that the appointment is not required under the <i>Municipal Act</i>.</p> <p>Dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.</p> <p>Make any expenditures or incur any other liability which exceeds \$50,000 which was not provided for in the annual budget approved by Council.</p> <p>The CAO and the Treasurer are authorized to approve capital projects that are underway that exceed the previous approved capital funding amounts.</p>	Chief Administrative Officer or Designate	Sections 23.3(1) and 275 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	The lame duck period may limit the ability of the Municipality to carry on its mandate and obligations if it is without legislated officers thereby affecting operations.

	Delegate Authority	Delegated To	Relevant Legislation	Rationale
	To sign an extension to any existing contract/agreement set to expire prior to the inaugural meeting of Council which does not provide for an increase of more than 15%.			
6	Authorize the Department Heads to issue grant applications in favour of the Municipality.	Chief Administrative Officer or Designate	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 229 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	<p>Applications for grant deadlines do not always match up with Council meetings.</p> <p>Conditional that such agreements:</p> <ul style="list-style-type: none"> <li>are in accordance with the budget and/or a fundamental plan of the municipality such as the strategic plan, the asset management plan, a departmental master plan or other;</li> <li>are in accordance with applicable municipal policies approved by Council;</li> <li>are related to approved departmental programs and objectives;</li> <li>contain appropriate insurance provisions; and</li> <li>is reported to Council within reasonable time after submission.</li> </ul>
7	Execute confidential settlements and other related legal agreements to protect the Corporation's best interests.	Chief Administrative Officer or Designate	<p>Section 23.1 (1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p> <p>Section 229 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25</p>	These types of documents are usually time sensitive requests that, at times, are difficult to match up with Council meeting timelines.

	Delegate Authority	Delegated To	Relevant Legislation	Rationale
8	Execute insurance contract renewals and insurance claims settlements within the prescribed deductible.	Chief Administrative Officer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 229 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	These types of documents are usually time sensitive requests that at times are difficult to match up with Council meeting timelines.  Provided annual report to Council on insurance matters.
9	Execute Grant Applications in partnership with the Corporation of the Casselman downtown revitalization, the Casselman Public Library or other similar entities.	Chief Administrative Officer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 229 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	These types of documents are usually time sensitive requests that at times are difficult to match up with Council meeting timelines.  Conditional that such agreements: <ul style="list-style-type: none"> <li>• are in accordance with applicable municipal policies approved by Council;</li> <li>• are related to approved departmental programs and objectives;</li> <li>• are within approved budget limits; and</li> <li>• contain appropriate insurance provisions; and</li> <li>• is reported to Council within a reasonable time after submission.</li> </ul>
10	Delegate responsibilities to a department head in writing.	Chief Administrative Officer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 229 of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.

	<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislation</b>	<b>Rationale</b>
11	Represent the administration in banking business operations.	Chief Administrative Officer and Treasurer	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.  Two (2) representatives from Council are to be appointed by By-Law as signatories for banking purposes at the beginning of each term.
12	Approve, amend, extend and execute agreements for the department.	Department Heads following review by the Treasurer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	Conditional that such agreements: <ul style="list-style-type: none"> <li>• are in accordance with applicable municipal policies approved by Council;</li> <li>• are related to approved departmental programs and objectives;</li> <li>• are within approved budget limits; and</li> <li>• contain appropriate insurance provisions.</li> </ul>
13	Act as the head of the municipality for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i>	Clerk or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 3(1) of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990, c. M.56	To ensure efficient and effective operation of the Municipality as a whole.
14	Designate an event as an event of municipal significance for the purposes of prescribing it as a special event occasion where an application has been made.  Issue letters of non-objections for events requiring a licence from the Alcohol and Gaming Commission of Ontario (AGCO).	Clerk or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 19(1) of the <i>Liquor Licence Act</i> , R.S.O. 1990, c. L.19 and other related sections.	Only for events classified as municipal and/or municipally significant.

	<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislation</b>	<b>Rationale</b>
15	Correct clerical and minor errors.	Clerk or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	Applicable to clerical, spelling or minor errors of an administrative nature in by-laws, agendas, reports, agreements, legal documents and any other related documents.
16	Execute transfer agreements with the Provincial and Federal Governments.	Treasurer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 286 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.
17	Mediate and settle proceedings at the Assessment Review Board (ARB) with respect to property assessment, taxation and payments-in-lieu of taxes.	Treasurer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  <i>Assessment Act</i> , R.S.O. 1990, c. A.31	To ensure efficient and effective operation of the Municipality as a whole.
18	Execute minutes of settlement arising out of tax appeals and assessment appeals at the ARB of the Ontario Municipal Board that, in the opinion of the signing officer, are in the best interests of the Municipality.	Treasurer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  <i>Assessment Act</i> , R.S.O. 1990, c. A.31	To ensure efficient and effective operation of the Municipality as a whole.
19	File complaints to the ARB relating to the assessment or request for reconsideration of assessment, where it is appropriate, in order to safeguard the Municipality's appeal or complaint rights.	Treasurer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  <i>Assessment Act</i> , R.S.O. 1990, c. A.31	To ensure efficient and effective operation of the Municipality as a whole.  A Municipality may appeal to the Assessment Review Board within 90 days after receiving notice of the settlement.



	<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislation</b>	<b>Rationale</b>
20	Temporarily approve road closures and establish parking bans for the purpose of conducting municipal operations and construction, reconstruction, festivals and events.	Director of Public Works or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Section 28 (2) of the <i>Municipal Act, 2001</i> , S.O. 2001, c.25	To ensure all future highway construction projects, festivals, emergencies, and events in the Municipality are appropriately designated and managed.  Subject to the approval of the insurance provider and the Director of Public Works of the UCPR, if applicable.
21	Establish and implement changes in parking and stopping regulation and intersection controls on a municipal road.	Director of Public Works or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as well as to increase safety.
22	Designate a lower rate of speed for motor vehicles driven in a designated “construction zone” on a municipal road.	Director of Public Works or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S. O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as well as to increase safety.  Subject to the installation of a marked sign indicating the rate of speed in accordance with regulations.
23	Give notice of intention to use dispute resolution techniques to all appellants and to invite participants to the dispute resolution process.	Director of Planning Services or Designate	Sections 17 (26.2), 17 (37.3), 22 ((8.2), 34 (11.0.0.2), 34 (20.2), 51 (49.2) and 53 (27.2) of the <i>Planning Act</i> , R.S.O. 1990, c. P.13	To ensure efficient and effective operation of the Municipality as a whole.
24	Authority to provide comments to the United Counties of Prescott and Russell on the behalf of the Municipality.	Director of Planning Services or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25  Sections 50, 53 and 54 (2) of the <i>Planning Act</i> , R.S.O. 1990, c. P.13	To ensure efficient and effective operation of the Municipality as a whole.

	<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislation</b>	<b>Rationale</b>
25	Execute limiting distance agreements.	Chief Building Official or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S. O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.
26	Execute/Approve Special Event Applications on Municipal properties.	Manager of Parks and Recreation or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.
27	Allocate a hall at no costs for a community debate related to an election.	Manager of Parks and Recreation or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	Applicable to one location each four years organized by an independent group unrelated to the Municipality.
28	Approve advertising and sponsorship plans for the recreational facilities.	Manager of Parks and Recreation or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.
29	Coordinate the opening and closing of splash pads.	Manager of Parks and Recreation or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	To ensure efficient and effective operation of the Municipality as a whole.
30	Approve exemptions to the noise control by-law	Manager of the by-law department	Section 23.1 (1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25	<p>These types of approvals are usually time sensitive requests that, at times, are difficult to match up with Council meeting timelines.</p> <p>Subject to the discretion of the Manager of the by-law department.</p>