

SUBJECT: Delegation of Authority By-law Summary Report

File Number: ACS2023-CMR-OCM-0007

Report to Finance and Corporate Services Committee on 6 June 2023

and Council 14 June 2023

Submitted on June 6, 2023 by Interim City Manager Wendy Stephanson

Contact Person: Steve Box, Director, City Manager's Office

(613) 580-2424 ext. 24200, steve.box@ottawa.ca

Ward: City Wide / À l'échelle de la ville (0)

**OBJET : Rapport de synthèse concernant le Règlement municipal sur la
délégation de pouvoirs**

Dossier : ACS2023-CMR-OCM-0007

Rapport au Comité des finances et des services organisationnel

le 6 juin 2023

et au Conseil le 14 juin 2023

Soumis le 6 juin 2023 par Wendy Stephanson, Directrice municipale par intérim

Personne ressource : Steve Box, Directeur, Bureau du directeur municipal

(613) 580-2424 ext. 24200, steve.box@ottawa.ca

Quartier : City Wide / À l'échelle de la ville (0)

REPORT RECOMMENDATION(S)

That the Finance and Corporate Services Committee and Council receive this report and Documents 1 through 11 with detailed summaries of each Schedule under the Delegation of Authority By-law for information.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des finances et des services organisationnels et le Conseil prennent connaissance, à titre informatif, du présent rapport et des documents 1 à 11 ainsi que des résumés détaillés de chaque annexe du Règlement municipal sur la délégation de pouvoirs.

EXECUTIVE SUMMARY

This report responds to direction to the Interim City Manager to summarize the purpose and scope of all existing and requested delegated authority under each schedule of the Delegation of Authority By-law. This by-law is generally reviewed and approved by Council twice per Term of Council as part of the Governance Review process, most recently on December 7, 2022, as part of the 2022-2026 Governance Review (ACS2022-OCC-GEN-0030). Council subsequently approved minor amendments to the Delegation of Authority By-law on March 8, 2023, to reflect the organizational adjustments outlined in the January 24, 2023 Interim City Manager's memo to Members of Council.

The Delegation of Authority By-law contains two sections: general provisions in the main part and specific delegations in the attached schedules. The general provisions cover the authority of the City Manager and any staff member specified in the by-law to further delegate any powers, duties, functions, and authorities under their delegation to another person in writing. They also cover emergency or special circumstances, signing power, monetary thresholds for events, staff recruitment and promotion, staff dismissal and discipline, and petty cash.

The specific delegations detailed in Schedules A through K enable the day-to-day operations and administration of each department based on the objectives approved by Council in the annual budget. Each delegation is subject to provisions that ensure it is consistent with Council-approved policies, directions and budgets. As outlined in the Council-approved Delegation of Powers Policy, every delegation is accompanied by a corresponding accountability and transparency mechanism. The schedules prescribe reporting, with most delegated authorities requiring reporting to the appropriate standing committee at least once per calendar year.

There are several consistent administrative authorities that are delegated to the City Manager, the City Clerk, and the General Manager of each department in each schedule. They are related to:

- Corporate administrative and departmental policies and procedures to ensure they are kept up to date.
- Agreements with the federal and provincial governments to allow for flexibility to adapt to evolving programs in accordance with Council-approved criteria and budgets in a timely manner.
- Agreements related to departmental programs and objectives approved by Council to ensure ongoing operations and timely decision-making that address operating requirements, emerging issues, changing priorities, community needs and market conditions.

The schedules outline delegations unique to each department to help facilitate the timely and efficient delivery of services and programs based on the expertise of staff, with conditions to follow Council-approved objectives and budgets.

- Schedule A authorizes the City Manager to provide organizational leadership and ensure the efficient and effective delivery of services within the programs, policies and budgets approved by Council.
- Schedule B authorizes the Finance and Corporate Services Department to make nimble financial and IT decisions that support efficient service and program delivery, reduce risk and respond to current market decisions.
- Schedule C authorizes the Office of the City Clerk to fulfil legislated requirements, including the powers and duties of Council as head of a municipality for the purposes of the Ombudsman Act, and to ensure Council-approved policies, procedures, by-laws, and terms of reference are kept up to date.
- Schedule D authorizes the Community and Social Services Department to fulfil the requirements of federal and provincial funding agreements and legislation.
- Schedule E authorizes the Recreation, Cultural and Facility Services Department to resolve operational challenges, respond to market conditions and sponsorship proposals, and manage parkland dedication funds and projects.
- Schedule F authorizes the Emergency and Protective Services Department to maintain public safety and efficiently implement by-laws.

- Schedule G authorizes the Transit Services Department to ensure transit service meets operational needs in an efficient manner.
- Schedule H authorizes the Infrastructure and Water Services Department to ensure timely response to grant and rebate applications and that infrastructure standards and guidelines reflect best practices.
- Schedule I authorizes the Planning, Real Estate and Economic Development Department to make efficient and timely decisions related to planning, development, heritage, and real estate matters.
- Schedule J authorizes the Public Works Department to facilitate road and traffic operations and ensure parking rates support the Municipal Parking Management Strategy.
- Schedule K authorizes the City Solicitor to protect the City's legal interests.

The Delegation of Authority By-law is a necessary and useful tool that facilitates the effective and efficient management of the City's day-to-day operations. Staff exercise their judgement where appropriate based on their professional training, accreditation, and expertise, within the confines of Council-approved policies, directions, and budgets. This follows best practices based on legislation and the outcomes of public inquiries. Staff report to Council on use of delegated authority as prescribed in the by-law.

BACKGROUND

Delegation of authority in the municipal context is well established as both a necessary and useful tool to allow the effective and efficient management of municipal affairs. It allows staff to exercise judgement where appropriate based on their professional training, accreditation, and expertise.

The *Municipal Act*, 2001 grants broad authorization to City Councils to delegate administrative and operational powers and duties. It prescribes certain rules, including that delegation may be subject to conditions and limits imposed by Council and revoked at any time unless specifically limited by the delegation by-law. Councils cannot delegate the following core functions:

- Adopting or amending the budget
- Setting taxes, user fees, tax rates and ratios

- Appointing or removing statutory officers
- Incorporating municipal corporations
- Adopt or amending the Official Plan
- Approving Community Design Plans or a zoning by-law

On January 8, 2001, Council enacted the Delegation of Authority By-law (Motion No. 1/20) by consolidating existing delegation of authority powers from the municipalities amalgamated into the City of Ottawa. It sets out the different levels of routine authority that are delegated to various officers of the City. In addition to the by-law, Council also delegates project-specific authorities that are explicitly laid out in reports adopted to Council. These authorities have a prescribed timeframe and reporting requirements that are included in the report.

Similarly, on February 28, 2001, Council approved the Purchasing By-law (ACS-2001-CRS-FIN-0003) (now called the Procurement By-law) that provides guidelines in the procurement of purchasing goods, construction and services with the guiding principle that all purchases be made using a competitive process that is open, transparent and fair to suppliers. The objective of this by-law is to obtain best value for the taxpayer's dollar while treating all suppliers equitably. It delegated authority to General Managers and Directors to approve professional and consulting services and required annual reporting to Council on awarded contracts. Authorities in this by-law are consistent with those in the Delegation of Authority By-law.

Council approved amendments to the Delegation of Authority By-law to ensure it continued to reflect administrative practices following a comprehensive review in 2002 (ACS2002-CRS-LEG-0009) and as part of start-of-term governance reviews in 2003 (ACS2003-CRS-SEC-0059) and 2006 (ACS2006-CMO-OCM-0012).

Bill 130, the *Municipal Statute Law Amendment Act*, 2006 made several amendments to the *Municipal Act*, including increasing the authority of municipalities to delegate powers and increased accountability and transparency tools. It also mandated municipalities to adopt and maintain a policy addressing the delegation of its powers and duties. As required by Bill 130, Council approved the Delegation of Powers Policy (ACS2007-CMR-CCB-0022) on November 28, 2007. The policy was based on the position Council took on delegation through its Strategic Priority Setting process, that delegation of

powers and duties provide efficient management of City operations and respond to matters in a timely fashion according to a series of principles:

- All delegation of powers and duties shall be set out in the *Delegation of Authority By-law* and reviewed every term of Council.
- Unless expressly delegated by Council through the *Delegation of Authority By-law*, all powers and duties of Council remain with Council.
- All delegation of powers and duties may be revoked at any time without notice.
- No delegation of powers and duties shall exceed the term of Council.
- Every delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism.
- A delegation of a power or duty under any by-law to any member of staff is also a delegation to a person appointed as the City Manager to act in the capacity of the delegate in their absence.

Following a comprehensive review of Bill 130 and the new delegation, accountability and transparency tools it provided, Council approved changes to the Delegation of Authority By-law in the mid-term governance review in 2009 (ACS2009-CMR-CSE-0007), including delegating some of Council's traditional powers and duties to Standing Committees, Ward Councillors and staff to streamline Council's decision-making process and allow it to focus on larger, more strategic issues.

The Delegation of Authority By-law has been reviewed and approved by Council twice per Term of Council as part of the Governance Report and Mid-Term Governance Report. The Office of the City Clerk, in association with Legal Services, lead the review in consultation with departments to incorporate changes in administrative and operational practices.

Sometimes changes may be required in the interim when there are changes in legislation or relevant public inquiries. These changes are typically brought forward as part of a staff report on such legislative changes to ensure delegation of authority at the City follows best practices and regulatory requirements. Two notable examples are the Purchasing By-law Review (ACS2009-CMR-FIN-0058) approved by Council in 2009 based on the Bellamy Report and the action plan to respond to the Ottawa LRT Public Inquiry recommendations (ACS2023-TSD-TS-0003) approved by Council in 2023.

The Bellamy report, released in September 2005 by Madam Justice Denise Bellamy to Toronto City Council on two judicial inquiries related to computer leasing and external contracts and hearings on good government. In addition to specific recommendations for the City of Toronto, the report made a series of recommendations relevant to all municipalities related to governance and procurement. First, that “Council should delegate the administrative, day-to-day operations of the City to staff and concentrate on matters of policy.” As outlined in the *Municipal Act*, there are certain powers Council cannot delegate and others that Council should retain for legal, financial, strategic or risk-related reasons. However, Madam Justice Bellamy advised that all other matters should be delegated to the lowest possible level according to risk. The second notable recommendation is that, while Council should set procurement policies, priorities and budgets and debate particular procurements in public, “actual procurements should be carried out entirely by staff to ensure that they are resolutely apolitical.” This report led to a series of changes to the Purchasing By-law, including the creation of the Chief Procurement Officer position, direction on the use of Fairness Commissioners, and adoption of a comprehensive complaints process.

The action plan to respond to the Ottawa LRT Public Inquiry recommendations includes a series of actions related to procurement that have been incorporated in City policies or are in the process of being implemented in City projects. The inquiry also covered accountability of City staff and Council oversight. Council’s most recent approval of amendments to the Delegation of Authority By-law in the 2022-2026 Governance Review (ACS2022-OCC-GEN-0030) on December 7, 2022 included the addition of a new Delegation of Authority Implications section to staff reports to summarize any requested or exercised delegated authority. Legal Services is reviewing the Employee Code of Conduct to reinforce staff obligations with respect to transparency and accountability.

During the 2022 governance review, Councillor Plante directed the Interim City Manager “to bring forward a report summarizing the purpose and scope of all existing and requested Delegated Authority set out under each Schedule of the Delegation of Authority By-law to the Finance and Economic Development Committee and City Council for consideration.”

This report responds to that motion by providing an overview of the Delegation of Authority By-law and each schedule.

DISCUSSION

The Delegation of Authority By-law contains two sections: general provisions in the main part and specific delegations in the attached schedules.

The general provisions cover the authority of the City Manager and any staff member specified in the by-law to further delegate any powers, duties, functions, and authorities under their delegation to another person in writing. Any sub-delegations are submitted to the Clerk's Office. They also cover Council's authority to impose terms and conditions upon any delegation as they see fit, including the power to rescind or amend a delegation.

This section also covers "emergency or special circumstances where it is necessary to act within the normal mandate of a department, but such action is not strictly within the terms of a delegated authority." This is critical for the City's emergency response efforts, as they allow the City Manager, General Managers and Directors to move forward with items that might be outside their normal mandate but essential for getting the City back to normal operations after an emergency.

The remaining general provisions cover signing power, monetary thresholds for events, staff recruitment and promotion, staff dismissal and discipline, and petty cash.

The specific delegations detailed in Schedules A through K enable the day-to-day operations and administration of each department based on the objectives approved by Council in the annual budget. Each delegation is subject to provisions that ensure it is consistent with Council-approved policies, directions and budgets. The schedules also prescribe reporting, with the vast majority of delegated authorities requiring reporting to the appropriate standing committee at least once per calendar year.

There are several consistent administrative authorities that are delegated to the City Manager, the City Clerk, and the General Manager of each department through the individual schedules:

- To approve, amend and rescind corporate administrative policies and procedures consistent with a department's mandate as well as departmental policies and procedures. This is in line with the Corporate Administrative Policy Framework and ensures policies and procedures are kept up to date.
 - Schedule F extends this authority to the Director of Public Safety Service for policies, practices and procedures related to security at City facilities.

- To approve, amend, extend and execute agreements with the federal and provincial governments that are consistent with the departmental mandate and within the approved budget. This allows for flexibility to adapt to evolving programs in accordance with Council-approved criteria in a timely manner.
 - Schedules A, B, D, F, H and I extend this authority to the Chief Communications Officer, the Chief Building Official, the Directors of the City Manager's Office, Service Ottawa, IT Services, Employment and Social Services, Long-Term Care, Housing Services, Children's Services, and Infrastructure Services and Asset Management Service, the Chiefs of the Paramedic and Fire services, the Program Manager of Employment Strategy, and the Managers of Design and Construction (facilities and municipal) for specific agreements related to their respective service areas.

- To approve, amend, extend, and execute agreements related to departmental programs and objectives approved by Council. This ensures ongoing operations and facilitates timely decision-making that address operating requirements, emerging issues, changing priorities, community needs and market conditions. The schedules often include provisions that require agreements to be in accordance with Council-approved City policies and applicable federal and provincial regulations, within the approved budget, and containing insurance, termination, workplace safety and indemnification provisions.
 - Schedules A, B, C, D, F, I and J extend this authority to the Chief Communications Officer, the Chief Information Officer, the Directors of the City Manager's Office, Service Ottawa, IT Services, Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Services, Social Development and Funding Unit, Employment and Social Services, Long-Term Care, Housing Services, Community Safety, Well-Being, Policy and Analytics Services, Public Safety Service, By-law and Regulatory Services, Planning Services, Economic Development and Long-Range Planning, Corporate Real Estate Office, and Traffic Services, Programs Managers in Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Services, Social Development and Funding Unit, Employment and Social Services, the Managers of Legislative Services, Public Policy Development, Development Review,

Realty Services, and Realty Initiatives and Development, the City Archivist, the Administrator of each long-term care home, the Chiefs of the Paramedic and Fire services, and the Chief Building Official for specific agreements related to their respective service areas.

The following sections outline delegations unique to each department, helping facilitate the timely and efficient delivery of services and programs while following Council-approved objectives. Documents 1 through 11 provide a detailed breakdown and fulsome explanation of the authorities provided in each Schedule.

Schedule A – City Manager’s Office

This schedule allows the City Manager to provide organizational leadership and ensure the efficient and effective delivery of services within the programs, policies and budgets approved by Council.

To manage administrative decisions related to staffing, the City Manager is authorized to appoint an Acting City Manager during their absences, assess the performance of General Managers, create new positions within the approved annual budget, approve leaves of absence by employees at the Director level and above, and direct collective bargaining with the assistance of the City Solicitor.

To provide organizational leadership, the City Manager is authorized to develop and evaluate City policies and procedures, coordinate and supervise the implementation of all programs and policies approved by Council, and have access to all City records, reports, property and personnel.

Schedule B – Finance and Corporate Services Department

As required by the *Municipal Act*, 2001 and any other applicable legislation, the Chief Financial Officer/Treasurer is authorized to perform all duties set out in the legislation.

To allow key senior positions to make vital budget transfers that support service delivery, programs and efficiencies, the CFO/Treasurer and Deputy City Treasurers of Corporate Finance and Financial Strategies, Planning and Client Services are authorized to make operating budget transfers between and within portfolios and within departments at the request or with the concurrence of the City Manager or a General Manager for their department. These transfers cannot increase compensation budgets or the number of full-time equivalent positions, must comply with the Council-approved mandate of the portfolios, and must maintain or improve service. The transfers can

permanently decrease compensation budgets. At the written request of the City Manager, these positions can transfer compensation and non-compensation budgets to effect organizational changes. Further, these positions can increase program estimates when permanently funded by increased recovery from external sources and requested by a General Manager, and transfer budgets to effect changes caused by new or amended legislation, accounting standards, program budgets, unforeseen revenue, or to increase transparency and accountability. There are similar authorities related to capital budget transfers.

To facilitate efficient and nimble response to the needs of Recreation, Cultural and Facility Services, residents, and Councillors, the CFO/Treasurer and Deputy City Treasurers of Corporate Finance and Financial Strategies, Planning and Client Services are authorized to establish capital project accounts from the cash-in-lieu of parkland reserve and the parks and recreation facilities reserve to support the development or redevelopment of park lands and recreation facilities. The Ward Councillor must concur with projects using cash-in-lieu of parkland reserve funds. If the Ward Councillor does not concur with a project, it does not move forward.

This schedule includes a series of authorities that take a nimble approach to debt to reduce financial risk and respond to current market conditions.

The CFO/Treasurer is authorized to issue debt for projects for which Council has already approved debt authority. Any debenture by-laws required to issue debt are approved by the Debenture Committee or Council. Council is provided an information report once the debt issue has been priced, and the exercise of this delegated authority is reported to Council at the earliest opportunity after the debt is issued. The CFO/Treasurer is further authorized to enter into bank loans, interest rate exchange agreements, promissory notes and bond forward agreements subject to the conditions to issue debt.

The CFO/Treasurer and Deputy City Treasurers of Corporate Finance and Financial Strategies, Planning and Client Services are authorized to approve loans on behalf of the City to construct drainage works under the *Tile Drainage Act*, following specific terms and conditions including the loan not resulting in the use of any City funds. Finally, the CFO/Treasurer is authorized to purchase fiscal agency or depository services, services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt.

The remaining authorities delegated under this schedule facilitate efficient and effective service delivery due to the administrative or technical nature and/or volume of specific financial transactions.

The Deputy City Treasurer of Revenue and the Program Manager of Collections and Cash Handling are delegated authority to approve extensions for tax arrears pursuant to the *Municipal Act, 2001*. They are also authorized to exercise the duties of the Treasurer for tax collection and land sales to cover tax arrears as prescribed under the act. The Deputy City Treasurer of Revenue is authorized to hold meetings and make decisions related to tax administration pursuant to specific sections of the act.

Similarly for local improvement charges, the Deputy City Treasurers are authorized to exercise the duties of the Treasurer as prescribed under the act. The General Manager of Infrastructure and Water Services is authorized to submit a local improvement to the Committee of Revisions once 75 per cent of the costs have been incurred.

The CFO/Treasurer, Deputy City Treasurer for Revenue and Program Manager of Property Assessment and Payments-in-lieu of Taxes are authorized to handle proceedings related to property assessment, taxation and payments-in-lieu of taxes at the Assessment Review Board and Dispute Advisory Panel.

The Deputy City Treasurer of Revenue and the Program Manager of Customer Accounts are authorized to make payments under Council-approved rebate programs to eligible charities.

The CFO/Treasurer and Deputy City Treasurer for Revenue are authorized to write off general accounts receivable that are uncollectible. The CFO/Treasurer and Director of Payroll, Pensions and Benefits are similarly authorized to write off payroll overpayment accounts that are uncollectible. The Deputy City Treasurer maintains a list of each written off item along with the justification. For collectible accounts, the CFO/Treasurer, Deputy City Treasurer for Revenue and Program Manager for Collections and Cash Handling are authorized to approve, conclude and execute repayment agreements.

Finally, the Deputy City Treasurer for Revenue and the Program Manager of Water Billing and Meter Operations are authorized to apply water and sewer billing estimates and adjustments to water accounts when consumption has not been recorded or has been recorded incorrectly.

To support residents during emergencies that may cause financial hardship, the General Manager of Finance and Corporate Services/CFO/Treasurer and Director of Service Ottawa are authorized to reduce or waive fees for marriage licenses, burial permits or photocopies. Although Service Ottawa no longer sells merchandise, these positions are also authorized to change the price of merchandise to reflect demand and set interim prices for new merchandise. This authority may be removed from the by-law during the next update.

The remaining authorities in this schedule relate to IT Services. The General Manager of Finance and Corporate Services/CFO/Treasurer, the Chief Information Officer, and the Chief Information Security and Digital Risk Officer are authorized to approve and implement policies, practices and guidelines related to information security and privacy and digital risk. They are also authorized to approve disconnecting any technology system at risk of malfunction, misuse, compromising safety, or disrupting City services or operations. In emergency circumstances, they are authorized to acquire external professional resources or equipment to protect the City's assets.

Schedule C – Office of the City Clerk

The City Clerk is delegated administrative authorities to ensure Council-approved policies, procedures, by-laws, and terms of reference reflect current departmental and corporate structures and do not have any minor administrative errors, and to facilitate the appointment and withdrawal of Municipal Law Enforcement Officers, changes to parking and stopping regulations, intersection controls, and designated fire routes. New or amended by-laws that enact these changes are approved by Council.

The City Clerk is also authorized to execute and file all reports required by the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Accessible Canada Act*. The Clerk provides an annual report on the City's Municipal Accessibility Plan to Council.

As required by the *Ombudsman Act, 1990*, the City Clerk is delegated the powers and duties of Council as a designate head of a municipality.

Schedule D – Community and Social Services Department

Several of the authorities delegated in this schedule are prescribed by the federal or provincial government through funding agreements and legislation. These are required to administer or report on funded programs in a timely and efficient manner that meets

community and operational needs and is in line with Council-approved priorities and plans.

The General Manager of Community and Social Services and the Director of Employment and Social Services are authorized to perform the provincially designated role of administrator under the *Ontario Works Act, 1997*. This designates municipalities as delivery agents for the purpose of administering the act and providing employment and basic financial assistance. The delivery agent must appoint an administrator to oversee the administration of the act and provision of assistance in their geographic area.

To fulfill the City's reporting obligations under its accountability agreements with Ontario Health, the General Manager and Director of Long-Term Care are authorized to sign and submit compliance declarations and reports.

The Director of Housing Services is authorized to perform the provincially designated role of Services Systems Manager for Homelessness and Housing and allocate provincial funding related to homelessness in line with Council-approved objectives. Provincial funding programs typically require investment plans that follow strict guidelines. Council will usually approve a broad investment plan, with the Director allocating funding to the sector based on that plan and the 10-Year Housing and Homelessness Plan. The Director is also authorized to allocate funding for social housing repair subsidies issued under the *Housing Services Act, 2011* based on the Council-approval plan.

Similarly, the Director and General Manager are authorized to perform the federal designated role of Community Entity for Homelessness and allocate federal funding related to homelessness. Funding is allocated in consultation with the Community Advisory Board based on needs and in alignment with Council-approved objectives. These positions are also authorized to fulfill the responsibilities of agreements related to the Reaching Home Strategy or any other federal funding programs administered by the Community Entity for Homelessness.

The General Manager and Director of Children's Services are authorized to perform the provincially designated role of Service System Manager under the *Child Care and Early Years Act, 2014* and to administer and allocate provincial and City child care funding based on Council-approved objectives.

Finally, to ensure business continuity during emergency situations, the General

Manager is authorized to issue and sign cheques to continue to provide social assistance benefits to eligible residents.

Schedule E – Recreation, Cultural and Facility Services Department

As the department responsible for electricity and natural gas at City facilities, the General Manager of Recreation, Cultural and Facility Services is authorized to purchase and execute utility contracts that comply with the Corporate Utility Procurement Policy and approved budget projections for the contract. The contract must also be approved by the City Solicitor.

To resolve operational challenges and reflect unusual circumstances, the General Manager is authorized to approve changes to facility operations, such as designating prime and non-prime hours, exempting cancellation provisions, adjusting play time standards, and temporarily changing hours of operation. The General Manager is also authorized to establish and adjust hours of operation for City facilities, amenities and lands that fall under the department's portfolio.

To reflect changes in program delivery costs, market conditions and promotional opportunities, the General Manager is authorized to adjust departmental service fees within the Council-approved budget and on an interim basis for the upcoming year to account for the projected annual inflationary increase. They can also approve interim fees for new programs, services and recoveries created during the year.

To ensure timely response to sponsorship and advertising proposals that are in accordance with Council-approved criteria, program managers and supervisors are authorized to approve and execute agreements with a value of up to \$10,000, managers up to \$50,000, directors and General Managers up to \$100,000 per year, and the City Manager for agreements valued at more than \$100,000 per year and agreements that exceed five years. Council maintains authority to approve proposals that include billboard advertising. The General Manager, directors and managers are authorized to negotiate, approve, conclude and execute agreements related to donations.

Based on their expert analysis of parkland requirements for the area and in compliance with the Official Plan and the Parkland Dedication By-law, the General Managers of Recreation, Cultural and Facility Services and Planning, Real Estate and Economic Development are authorized to approve, as a condition of development, the conveyance of land, cash-in-lieu of parkland, or a combination thereof. They may also not accept

conveyance of land that is not suitable as parkland. This authority is also listed under Schedule I. The General Manager of Recreation, Cultural and Facility Services is also authorized to use cash-in-lieu of parkland dedicated funds and the parks and recreation facilities reserve fund for eligible projects based on Council-approved criteria.

Schedule F – Emergency and Protective Services Department

To maintain public safety and keep the public informed during an emergency, the General Manager of Emergency and Protective Services and the Director of Public Safety Service are authorized to issue notices to the public via PSAs, interviews, distribution lists, online, and mobile apps about emergency situations and actions to take in those circumstances.

For efficiency, the General Manager and the Director of By-law and Regulatory Services are delegated several administrative authorities, including to start, maintain and settle proceedings related to the *Dog Owners' Liability Act* using the most efficient means possible, to designate and harmonize fire routes and amend the Fire Routes By-law accordingly based on site plan and building permit approvals, and to amend boundaries to areas where firearms may not be discharged. The Director of By-law and Regulatory Services is also designated as the Chief License Inspector for the City.

To facilitate issues related to vehicles-for-hire, the Director of By-law and Regulatory Services is authorized to extend timelines for license transfers and renewals, and the General Manager is authorized to adjust the annual allocation of the Vehicle-for-Hire Accessibility Fund. Both the General Manager and Director are authorized to negotiate and execute voluntary accessibility surcharges with private transportation companies as directed by Council.

The City Manager and the City Clerk are authorized to appoint or withdraw the appointment of members of the Animal Control Tribunal, which can be enacted by the City Clerk placing a by-law on a Council agenda for approval.

Finally, the Manager of Business and Technical Support Services in the department and the Program Manager of Events Central had administrative authority to issue letters of non-objection and letters of municipal significance for applications to the Alcohol and Gaming Commission of Ontario to either temporarily extend a liquor license or get a special event permit.

Schedule G – Transit Services Department

To ensure efficient transit service that meets operational needs and requirements while following Council-approved policies, the General Manager of Transit Services is delegated authority to make service adjustments to bus and O-Train services, to designate new park and ride lots and change the hours of operation of park and ride lots, and enter into agreements to provide transit service for major events and group payment of fares approved by Council.

The General Manager is authorized to approve and execute amendments to benefit agreements related to transit services provided there is no increased cost to the City and the affected bargaining agent is in agreement. The exercise of this delegated authority is reported to the Transit Commission as soon as practicable.

To meet regulatory obligations related to the O-Train, the City Manager or their designate has designated the senior executive accountable for operations and activities and is authorized to fulfill the City's obligations for regulatory filings required by Transport Canada and other federal bodies.

Schedule H – Infrastructure and Water Services Department

For efficiency, the General Manager of Infrastructure and Water Services is delegated authority to issue or amend compliance certificates for sewer and waste disposal programs, and to make applications under the *Boundaries Act* to confirm City road boundaries.

To ensure timely response to grant and rebate applications, the City Manager and General Manager are authorized to approve applications under the Council-approved High-Volume User Program, the Protective Plumbing Program, the Compassionate Grant Program, and the Lead Pipe Replacement Program. As arranged with the Ministry of the Environment, Conservation and Parks, the General Managers of Planning, Real Estate and Economic Development and Infrastructure and Water Services are authorized to approve specific grants under the *Ontario Water Resources Act*. This authority is also listed under Schedule I.

Several authorities in this schedule ensure infrastructure standards and guidelines reflect best practices based on the technical expertise of key senior staff. The General Managers of Public Works and Planning, Real Estate and Economic Development, along with the Directors of Traffic Services and Transportation Planning are authorized to make minor and administrative amendments to the City's Planning and Design Guidelines related to transportation infrastructure, while the Director of Infrastructure

Services is authorized to make such amendments to standards and specifications for the design and construction of City infrastructure. This authority is also listed under Schedules I and J.

The General Manager of Infrastructure and Water Services and Director of Infrastructure Services are authorized to establish, implement, and amend design guidelines, standards and specifications for the design and construction of City infrastructure and to make changes or clarifications to the City's accessibility design standards.

Schedule I – Planning, Real Estate and Economic Development Department

To facilitate efficient and timely decisions based on technical expertise and experience, key senior staff are delegated authority to approve certain planning applications provided the Ward Councillor has not withdrawn delegated authority. If the Ward Councillor withdraws delegated authority, the application rises to the appropriate Standing Committee.

The General Manager of Planning, Real Estate and Economic Development, the Director of Planning Services, and the Managers of Development Review are authorized to approve plan of subdivision and condominium applications provided the Ward Councillor and applicant support the draft conditions of approval. The proposed development must also comply with Council-approved Official Plan policies and do not require any further City funds beyond those recovered by development charges or approved by Council in the budget. These positions are also authorized to refuse subdivision applications that do not meet those conditions, amend conditions of a draft approved plan of subdivision as needed, approve the release of site plan agreements registered on title and of financial securities related to subdivisions and site plan control approvals provided the terms have been completed, and approve applications for cemeteries and crematoriums. The Director of Planning Services is also authorized to approve site plan control applications. The Managers of Development Review are also authorized to approve part lot control exemption applications, the release of reserves of land for development control, and applications for road closures and openings. The Director of Planning Services and Managers of Development Review are also authorized to approve applications to lift holding zones provided the pre-conditions have been met. These positions, along with the Director of Infrastructure Services, are also authorized to approve extensions to standard infrastructure agreements and make minor technical and administrative revisions. Staff assigned delegated authority for

applications for municipal review of antenna systems is authorized to provide concurrence or non-concurrence on behalf of the City. The Chief Building Official is authorized to approve the release of agreements when the requirements have been fulfilled, among other conditions.

The Manager of Right of Way, Heritage and Urban Design Services and the Program Manager of Heritage Planning are delegated a series of administrative authorities related to heritage properties, including to approve heritage permit applications related to minor alterations or emergencies. These positions do not have the power to refuse applications, and the Ward Councillor is notified of any heritage permit applications. Any applications that do not meet criteria for designation are considered by the Built Heritage Committee and Council.

For minor and technical Official Plan and Zoning By-law amendment and site plan control or subdivision applications, the General Manager is authorized to reduce or waive application fees. They are also authorized to do so for five types of development applications when a decision was not made within the timelines specified in the Guaranteed Application Timeline Initiative. The General Manager is also authorized to approve minor revisions to the standard form of letters of undertaking and require Official Plan and Zoning By-law amendment and site plan control or subdivision applicants to provide any information required under the *Planning Act*.

When there is a break in Council meetings of 22 days or more, the Director of Planning Services is authorized to enact by-laws to exempt part lot control with the concurrence of the Ward Councillor.

To ensure conditions of development approvals are met, the General Manager, the Director of Planning Services, and the Managers of Development Review are authorized to enforce conditions and award contracts of up to \$50,000 to carry out the work provided the City holds securities that guarantee completion.

The Director of Planning Services, the Managers of Right-of-Way, Heritage and Urban Design Services and Development Review, along with the Program Managers of Right-of-Way and Public Realm and Urban Design are authorized to issue permits to waive by-law requirements for technical reasons related to their services, including for heavy vehicles, road cuts, right-of-way patios, water and sewer connections, temporary road closures, and encroachments.

The General Manager of Planning, Real Estate and Economic Development, in

consultation with the General Manager of Public Works, is delegated authority to modify the Winter Cycling Network as each cycling project approved by Council is completed.

The Director of Planning Services and Managers of Development Review, jointly with the City Solicitor, are authorized to approve and execute the release of easements for waterworks and sewage works where the utility services provided by these works at the location of the easements have been discontinued.

The General Manager of Planning, Real Estate and Economic Development and the Directors of Planning Services and Transportation Planning are authorized to proceed with intersection or road modifications with the concurrence of the Ward Councillor.

The General Manager and the Director of Economic Development and Long-Range Planning are authorized to appoint or withdraw the appointment of fence-viewers for the City to carry out the *Line Fences Act*. They are used to resolve disputes related to fencing work at the boundary between two adjoining properties. Similarly, these positions are authorized to appoint or withdraw the appointment of livestock valuers for the City as required under the Ontario Wildlife Damage Compensation Program.

The General Manager is authorized to appoint directors to the board of a Business Improvement Area if they have been voted for by the BIA's members.

The remaining authorities in this schedule relate to real estate transactions. The Director of the Corporate Real Estate Office is authorized to approve, execute documentation, and conclude real estate transactions that involve acquisitions related to LRT projects, are worth up to \$1 million, and within Council-approved estimates. The General Manager has similar authority with no cap on the transaction value provided the Mayor and Ward Councillor are in concurrence. The exercise of these delegated authorities will be reported to the appropriate Standing Committee once all property related to LRT projects has been acquired. These positions are also authorized to sign notices of intention to expropriate properties related to LRT projects.

To facilitate timely real estate transactions, Program Managers in the Corporate Real Estate Office are authorized to approve, execute documentation, and conclude real estate transactions related to the sale and acquisition of interest in land or property valued at up to \$100,000. The Managers of Realty Services and Realty Initiatives and Development have similar authority for land or property valued at up to \$200,000, the Director of the Corporate Real Estate Office up to \$1 million, and the General Manager up to \$2 million. The Director of the Corporate Real Estate Office and the Managers of

Realty Services and Realty Initiatives and Development are also authorized to terminate City lease agreements when defaults occur and waive administrative fees for preparation of agreements with another government agency, registered charity, or non-profit funded by or under contract with the City.

Schedule J – Public Works Department

The General Manager of Public Works and the Director of Traffic Services are delegated a series of operational authorities to facilitate road and traffic services. These include authority to modify roads and intersections to install traffic control devices and safety improvements under the Road Safety Action Plan, with concurrence of the Ward Councillor. They are also authorized to approve, install, and maintain traffic control and street lighting devices to regulate and direct traffic for public safety and convenience. To facilitate routine road operations and as needed for safety, these positions are also authorized to temporarily close roads, temporarily prohibit or regulate movement, parking and stopping, and close any private road, entranceway, gate or other structure or facility used to access a controlled access road. They are also authorized to establish and implement changes to specific parking and stopping regulations and intersection controls, provided the changes comply with Council-approved and departmental policies and the Traffic and Parking By-law. The General Manager has further authority to make changes related to paid street parking zones in alignment with the Council-approved Municipal Parking Management Strategy.

To reflect seasonal and market adjustments or to encourage sustainable modes of transportation, the General Manager and the Director of Roads and Parking Services are delegated authority to adjust paid parking rates within the range approved by Council as part of the annual budget and the Council-approved Municipal Parking Management Strategy.

Finally for efficiency, the General Manager is delegated authority to issue or amend compliance certificates for sewer and waste disposal programs, approve City-owned waste facilities, and provide technical comments to the Ontario Ministry of the Environment, Conservation and Parks on all Environmental Compliance Approval applications.

Schedule K – City Solicitor

The purpose of this Schedule is to allow the City Solicitor to protect the City's legal interests efficiently based on their expertise. It includes a series of authorities to

represent the City in legal proceedings and carry out proceedings on the City's behalf within a defined scope and with a semi-annual reporting requirement. This includes the authority to purchase insurance within the approved budget, retain and instruct in-house and external legal counsel, carry out prosecutions of provincial offences, represent the City to administer the estates of residents in City long-term care homes with no estate administrator, reimburse the costs of owners whose property is subject to expropriation by the City, and pay insurer the City's contribution to any insured claim up to the deductible. In addition to the semi-annual reporting requirement, the City Solicitor is required to notify Members of Council with an expected interest in legal proceedings involving the City.

The City Solicitor is also authorized to settle legal claims up to \$1 million, while the City Manager has a similar authority for claims of more than \$1 million up to the City's deductible. Both have authority to abandon claims where there is no reasonable chance of recovery or recovery is not financially viable.

In exceptional circumstances and time constraints, the City Solicitor is authorized to take steps in legal matters to preserve the City's legal interests where delegated authority would not otherwise be available.

This Schedule also includes a series of authorities related to planning files. The City Solicitor, General Manager of Planning, Real Estate and Economic Development, and Managers of Development Review are authorized to release reserves held by the City for development control and utility easements. The City Solicitor is also authorized to bring City properties previously registered under the land registry system under the land title system and conclude deferral agreements for development charges with concurrence from the Ward Councillor (if concurrence is withdrawn, the matter proceeds to the appropriate Standing Committee).

For efficiency, the City Solicitor is authorized to place several by-laws directly on Council's agendas based on approvals by staff under delegated authority granted in other Schedules. These by-laws cover extension agreements for tax arrears, loans under the *Title Drainage Act*, part lot control, lifting of holding provisions on zoning amendments, road closures and openings, transit funding agreements, and improvements under the Better Homes Loan Program.

The remaining authorities in this Schedule further protect the City's legal interests. The City Solicitor is authorized to make minor revisions to collective agreements outside the

collective bargaining process, provided they are within the Council-approved budget. This must be reported to the appropriate Standing Committee as soon as practicable. The Chief Procurement Officer and the City Solicitor are authorized to review the provisions of significant contracts to ensure they meet the necessary requirements.

With the exception of prosecutions, the City Solicitor's exercise of delegated authority as summarized above is always subject to direction from City Council.

Conclusion

As previously noted, the Delegation of Authority By-law is a necessary and useful tool that facilitates the effective and efficient management of the City's day-to-day operations. Staff exercise their judgement where appropriate based on their professional training, accreditation, and expertise, within the confines of Council-approved policies, directions, and budgets. All authorities delegated through the by-law have a corresponding accountability and transparency mechanism, often requiring annual reporting to the appropriate standing committee. The by-law is reviewed and approved by Council as part of the Governance Report at the start of each Term of Council, most recently on December 7, 2022 (ACS2022-OCC-GEN-0030).

FINANCIAL IMPLICATIONS

There are no financial implications in receiving this report for information.

LEGAL IMPLICATIONS

There are no legal impediments to receiving this report for information.

ACCESSIBILITY IMPACTS

There are no specific accessibility impacts associated with this report.

DELEGATION OF AUTHORITY IMPLICATIONS

No additional delegated authority is being sought by staff in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications with receiving this report for information.

RURAL IMPLICATIONS

There are no specific rural implications in this report.

SUPPORTING DOCUMENTATION

Document 1: Detailed summary of Schedule A – City Manager’s Office

Document 2: Detailed summary of Schedule B – Finance and Corporate Services Department

Document 3: Detailed summary of Schedule C – Office of the City Clerk

Document 4: Detailed summary of Schedule D – Community and Social Services Department

Document 5: Detailed summary of Schedule E – Recreation, Cultural and Facility Services Department

Document 6: Detailed summary of Schedule F – Emergency and Protective Services Department

Document 7: Detailed summary of Schedule G – Transit Services Department

Document 8: Detailed summary of Schedule H – Infrastructure and Water Services Department

Document 9: Detailed summary of Schedule I – Planning, Real Estate and Economic Development Department

Document 10: Detailed summary of Schedule J – Public Works Department

Document 11: Detailed summary of Schedule K – City Solicitor

DISPOSITION

The City Manager’s Office will implement any direction arising from receipt of this information report.