

Staff Report 2023-0219

Meeting Date: May 9, 2023

Subject: Proposed Amendments to the Delegated Authority By-law

Submitted By: Patrick Trafford, Deputy Clerk, Council and Committee Services, Corporate Services

RECOMMENDATION

That a By-law be enacted to amend Delegated Authority By-law 2016-106, to capture changes related to real property matters, topsoil removal and grading agreements within Section 7, Schedule A – Execution of Documents and Schedule E – Planning Matters.

REPORT HIGHLIGHTS

- Council enacted the Delegated Authority By-law 2016-106 on December 20, 2016, for the purpose of delegating certain powers and duties to officers and employees within the corporation.
- Staff are recommending that a By-law be enacted to amend the Delegated Authority By-law to ensure that real property matters are managed efficiently and topsoil removal as well as grading agreements are approved, amended, and executed by the appropriate staff.
- The proposed amending By-law, attached as Schedule A to this Staff Report, will implement the recommended changes by amending Section 7 of the Delegated Authority By-law as well as repealing and replacing Schedule A – Execution of Documents and Schedule E – Planning Matters.

DISCUSSION

Background

The Town's Delegated Authority By-law 2016-106 was enacted by Council on December 20, 2016. As permitted by the *Municipal Act, 2001*, the purpose of the By-law is to delegate certain powers and duties to officers and employees within the corporation. These delegations are often made to ensure that staff have the appropriate powers required to efficiently manage the administrative business of the municipality. Since the By-law was first enacted in 2016, it has been regularly updated to ensure it continues to align with the changing corporate structure and updated administrative processes to compliment service excellence.

The purpose of this Staff Report is to present several updates to the Delegated Authority By-law for consideration by Members of Council. The changes are proposed by Legal Services and Engineering Services to clarify the intent of existing authorities and address several process gaps that result from the current wording in the By-law.

Proposed Changes

The changes proposed by Legal Services primarily address real property matters which often require an expedited response to meet short timelines. The current wording in the By-law creates several inefficient processes making it challenging for staff to meet such timelines. Engineering Services is responsible for review and approval of topsoil removal as well as

grading and is therefore requesting that authority be delegated to them for these matters rather than the Planning Department. Each of the proposed changes is detailed below for the respective Division and Department. Attached as Schedule A to this Staff Report is a draft amending By-law which includes the proposed changes.

Legal Services

Closing Dates and Timelines for Acquisition and Disposition of Land

Through Section 7 of the Delegated Authority By-law, the Town Solicitor is permitted to extend or condense closing dates or timeframes on terms related to the disposition of land. There is a gap in the current wording, however, which does not provide the same flexibility when acquiring land. The same challenges with respect to closing dates or timeframes apply to transactions whether the Town is a buyer or seller in the transaction. As timelines for purchasing land can often be short, this oversight in the wording can result in staff being unable to manage timelines to appropriately facilitate the purchase of land approved by Council.

Therefore, it is proposed that this existing delegated authority be updated to permit the Town Solicitor to extend or condense closing dates and terms related to both the acquisition and disposition of land. It is important to note that this delegated authority only permits the Town Solicitor to extend or condense a timeline so long as this does not change the original intent as approved by Council.

Permission to Enter, Easements and Memorandums of Understanding

Schedule A to the Delegated Authority By-law currently sets out a two-step process for the approval and execution of permission to enter agreements, easement agreements and memorandums of understanding or undertaking (MOU) with other levels of government, conservation authorities and private property owners. In consultation with Legal Services, the applicable Director must first provide approval before the document can be sent to the Mayor and Clerk for signature. This means that the Mayor and at least three senior staff may be involved to execute a basic agreement. The current process can create a major challenge to meet timelines for routine work. For example, permission to enter agreements are often required for routine road work coordinated with the Region of Peel which often have short timelines that cannot be anticipated due to weather.

In addition to the current authority to approve and amend, it is proposed that the authority to execute permission to enter agreements, easement agreements and MOUs be delegated to the applicable Director in consultation with the Town Solicitor. Revising this authority will streamline the document execution process to one efficient step thereby relieving administrative burden and ensuring agreements are executed in a timely manner. For MOUs, this authority will be specific to property related matters to ensure the Mayor and Clerk retain broad signing authority for MOUs related to other topics. For consistency, the authority to sign easement agreements with private property owners has been included and the existing delegated authority for the Mayor and Clerk to execute permission to enter agreements and easement agreements will be removed.

Registration, Releases and Discharges on Title

The Clerk is currently delegated authority to register instruments, such as agreements and orders, on the title of lands that the Town has an interest in and is responsible to authorize releases and discharges of conditions against properties. In practice this delegated authority

has not been directly exercised by the Clerk as Legal Services staff have access to the land titles and registry system and facilitate these processes. Therefore, it is proposed that this authority be removed from the Clerk and delegated to the Town Solicitor to reflect the actual administrative process.

Further, the proposed wording of this authority, included within Schedule A, has been updated to be more specific. Previously, the registration of documents broadly related to real property matters was permitted while the new wording is specific to registering instruments in connection with authorized transactions or agreements.

Lease and License Extensions

The Delegated Authority By-law currently permits the Director, Community Services and Treasurer to approve, renew, amend, and execute lease or license agreements so long as the sums paid or received are below \$50,000.00 and the term does not exceed 20 years. However, the wording of this authority does not speak to extending such agreements. This can create an issue as it is common for these agreements to include the option to extend for a period beyond the initial term. For example, if a lease has a term of 15 years and the option to extend for an additional 5 years, this remains within the 20-year limit, but it is not clear if staff have the authority to grant the extension due to the use of the word 'renewal' within the current authority.

It is proposed that the word 'extend' be added to this delegated authority to clarify that staff are permitted to exercise an option to extend within a lease or license agreement. The proposed wording within Schedule A will ensure that this delegated authority only applies to lease or license agreements where the term, including any extension or renewal, does not exceed 20 years and the total sum remains under \$50,000.00. Finally, as not all lease or license agreements the Town enters are related to Community Services, it is proposed that this authority be delegated to the applicable Director and Treasurer.

Disposition of Land

The Land Sale By-law 2017-81 permits the CAO and applicable Director to authorize the disposition of Town land under \$50,000.00 in value. Conversely, the Delegated Authority By-law permits the acquisition of land by the CAO and applicable Director, in consultation with Legal Services, where the value does not exceed \$50,000.00. As it can be confusing for staff to have these authorities located within two separate By-laws, Schedule A includes a proposed update so both acquisition and disposition of land less than \$50,000.00 in value are addressed through the Delegated Authority By-law. Further, reference to the Town Solicitor has replaced consultation with Legal and Court Services to ensure a specific individual is responsible for exercising the authority.

Engineering Services

Planning staff previously held a delegated authority to approve and amend topsoil removal and grading agreements related to Site Plan applications. Due to the changes to the Town's Development Approvals Process, resulting from the *More Homes for Everyone Act* (Bill 109), staff identified a need to permit topsoil removal and grading agreements requested through the Pre-Consultation Review process rather than at the Site Plan stage. Staff Report 2023-0142, provided at the April 11, 2023, Planning and Development Committee Meeting, recommended a realignment of this existing delegated authority to Engineering Services. To clarify the delegated authority related to grading agreements, Engineering Services has

requested that delegated authority be provided to the Director, Engineering Services and Town Solicitor to approve, amend, and execute topsoil removal and grading agreements requested through a Pre-Consultation (DART) review for a Site Plan application. Schedule A to this report includes the proposed delegated authority.

Recommendation

Staff are recommending that an amending By-law be enacted to implement the updates to the Delegated the Authority By-law identified within this Staff Report. This will include amending Section 7 of the existing Delegated Authority By-law as well as repealing and replacing Schedule A – Execution of Documents and Schedule E – Planning Matters. These updates will ensure that real property matters are managed efficiently and topsoil removal as well as grading agreements are managed by the appropriate staff. Should the recommendation within this Staff Report be adopted, an amending By-law will be brought forward to the May 23, 2023, meeting of Council for Consideration of enactment.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

COUNCIL WORK PLAN

Improved Service Delivery – Improve and innovate business processes for better customer service and service delivery

ATTACHMENTS

Schedule A: Proposed By-law to Amend Delegated Authority By-law 2016-106, as amended